California Journal

THE MONTHLY REPORT OF STATE GOVERNMENT AND POLITICS

Governor's plan to limit taxes

Transit planning decentralized

Strengthening government's voice

PEP finds jobs – and problems

Legal services for the needy

Changes urged in higher education

'New Federalism', new worries

March 1973

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Notes and Comment

An open and shut case

Inadvertently last month, we found ourselves in a meeting of the Republican State Central Committee that was closed to the public and the press. The subject of the meeting was party reform, and a friend, not knowing we were barred, escorted us in. The session, chaired by out-going state chairman Putnam Livermore, concluded with a call for creation of a reform committee to study proposals for increasing the party's voter appeal. We might suggest that the first thing they should consider is opening up such meetings to the public. Compared to the harmony and precision of the Republican Party's public sessions (remember those scripted spontaneous demonstrations at last summer's national convention in Miami?), this closed session, with disagreement and dissent freely voiced, had a very human quality about it that we found far more appealing than the party's usual every-hair-in-its-place public image.

The essence of the meeting was a debate over the degree of grassroots participation in party affairs. Several people voiced concern from the floor that the party's elected officials are too distant from the county organizations and that campaign committees tend to circumvent established organizations. Assemblyman Ken Maddy of Fresno responded from the platform that the political fact of life is that he would not have won had he depended only on the Republican county committee and only on Republican votes in a district where the voter registration is just 28 percent Republican.

Another popular concern was for paying more attention to the student vote in order to offset what one delegate referred to as "brainwashing in the schools," and there was much debate over how to get 18-to-21-year-olds to support the party's candidates. Though a few in the audience cringed, there was even some loud booing when the Santa Barbara County chairman, himself a teacher, defended his profession. Other suggestions from the delegates included improving communications, especially with elected officials, hiring a full-time state chairman, expanding power in the central committee for chartered groups that make pre-primary endorsements, changing the methods of selecting party officials, and paying more attention to the concerns of senior citizens.

In all, it was only a slightly toned down version of the typical untidy Democratic Party meeting. In no way was it like the Republican Party the public usually sees, and it seemed a pity to keep such debate behind closed doors.

The impossible dream

Politics is, of course, the art of the possible. But it can have its impossible side, too, as Senate committee assignments suggest. Five Senators, at least, must one day a week be at two places at once, if they are to honor equally their committee obligations. Senators William Coombs and John Nejedly, for example, find themselves on both the Agricultural and Local Government Committees, both of which are scheduled to meet at 1:30 p.m. Tuesdays. Similarly, Senators Alan Short and Lawrence Walsh are members of the Insurance and Finance Committee and the Public Utilities and Corporations Committee, which meet at 1:30 p.m. Thursdays. Senator George Zenovich is on the Governmental Organization and Elections and Reapportionment Committees, both of which convene at 9:30 a.m.

Of course, both committees won't always be meeting as scheduled. Nor must all committee members always be present at hearings (in any case, they rarely are). And it *is* possible to keep an eye and an ear on two hearings at once, though the Assembly professes that with the new two-year session it shouldn't be necessary. On paper, at least, Speaker Moretti has solved the overlapping-assignments problem by scheduling late-afternoon sessions three time a week and having about a third of the committees meet on alternate weeks.

Candidate and correspondent

The Capitol Press Association turned on one of its kind last month in seeking to have the credentials of radio correspondent Bernice Slater withdrawn by the Joint Committee on Rules on the ground that she is a candidate for state office, Lieutenant Governor as it happens, an act that the association, by a 42-18 vote, judged to be incompatible with the responsibilities of a journalist covering state government, which includes the Lieutenant Governor's Office. Slater, whose husband owns the Sacramento stations she covers the Capitol for, KRAK and KEWT, defends her "right to earn a living", arguing that, in any case, she hasn't yet declared her candidacy (though she confesses to having "a lot of money to raise and a lot of groundwork to do"). The question of conflicting loyalties of Slater-the-correspondent and Slater-the-candidate is being mulled over by the Joint Committee.

The exodus begins

The forty-odd members of Legislative Analyst Alan Post's staff have left the old west wing of the Capitol to occupy the 10th floor of a new building across the street at 10th and L Streets. Post's office was evicted from the Capitol's third floor after an engineering study last year found the old building to be unsafe should the earth quake. Still unsettled is the fate of the Capitol press corps, which occupies parts of the building's second and fourth floors. Before deciding to enforce its eviction order to the press, the Joint Rules Committee awaits an independent report on the building's solidity, which is expected within a month.

Journal fiscal coverage cited

The California Taxpayers Association headed its 1972 press awards with a "special merit award" to Jerome Evans, Associate Editor of the *California Journal*, for "excellent and responsible reporting which has contributed to a greater public understanding of governmental finance." We are particularly appreciative of Cal-Tax's citation of the *Journal* for its "scrupulous fairness". H.E.K.

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Governor Reagan Proposes Constitutional Amendment to Place a Ceiling on State's Revenues

By JEROME EVANS

There can be little question now after six years that the dominant objectives of the Reagan administration have been to stop the growth of government and to sharply restrain its rising costs. During Governor Reagan's first term, a large portion of his administration's energies were devoted to halting the rapid growth in the state's annual expenditures so as to ward off the deepening fiscal crisis in which the state found itself—in large part because the preceding administration had been unwilling to either raise taxes or cut costs to close a growing gap between revenues and expenditures. In this effort Reagan was largely successful, proving that a Governor who sought no new programs, and therefore had no need to bargain for legislative support, could deal with the budget on his own terms — putting a heavy lid on higher-education costs, for example—with little concern for the views of legislators of either party.

Yet budget cutting was not enough, and Reagan was forced first to reverse his earlier stand in opposition to the withholding of state income taxes and then to launch a major drive to halt rising welfare costs, culminating in passage of the Welfare Reform Act of 1971. These two steps did the trick, halting the rapid rise in welfare and Medi-Cal costs and giving the state at least enough new revenue to meet the minimum year-to-year cost increase of other state programs. As a consequence, the additional revenues provided in the "mini-tax package" of 1971, as well as those gained in SB 90 of last session, proved to be largely superfluous, as the state quickly found itself with more revenue than it knew what to do with.

SB 90 nevertheless provided a vehicle for two more major steps in the Reagan attack on government spending: "tax relief" (that is, less dependence on local property tax revenues and more upon other state taxes) and the placing of a ceiling on local government tax rates. Leaders of both parties wanted local property tax relief, but Reagan alone was adamant about the necessity of putting a limit on the taxing powers of cities, counties, and local school districts. Despite strong opposition from such powerful lobbying organizations as the County Supervisors Association of California and the misgivings of many Senators, Reagan stuck to his position and eventually prevailed — winning a major victory that was largely obscured by the fanfare accorded property tax relief.

Constitutional ceiling on taxes

Long before the ink of his signature was dry on SB 90, however, Governor Reagan was laying the groundwork for another major step — one that, if it succeeds, will certainly be the outstanding achievement of his administration, and one that again demonstrates the remarkable consistency of Reagan's actions in carrying out the responsibilities of his office according to his personal view of the role of government. As announced by the Governor in a televised "Report to the People" February 8th, his newest proposal is to fix a constitutional ceiling on state taxes that cannot be exceeded without the express consent of the voters. Moreover, this ceiling, which is to be stated in terms of a percentage of the total personal income of residents of the state, would be steadily reduced each year from an estimated 8.75 percent for 1974 to 7.15 percent in 1989. (Although the decrease does not stop after 15 years, as some reports have suggested, but continues indefinitely, this is the period discussed by the Governor in explaining his plan.) The proposal has provisions for an emergency fund and contains several other escape clauses (see box), but its intent clearly is to set a firm ceiling on future state expenditures by limiting the revenues available for appropriation.

The Governor's Tax Reduction Task Force (see *California Journal*, January 1973, p. 7-10) is credited with developing the plan, although the idea is certainly one which Reagan himself might have originated. The task force, which began work in September of 1972 under the direction of Lewis K. Uhler, had as one of its principal objectives the formulation of a "taxation-spending" ceiling. According to Uhler, the members of the task force soon found that a number of the members of their panel of advisors (private economists and management consultants) shared their belief that state spending could be held down only by setting a constitutional ceiling on either spending or tax revenues. Eventually there was agreement that a ceiling on tax revenues would be more effective and easier to draw up, and the task force members went to work to develop one. Two key elements in their proposal as it was drawn up were a projection of personal income for the state and a projection of the growth rate for state revenues in the absence of any ceiling. For the personal income projection, they settled on an average annual rate of eight percent (three percent real growth, three percent for inflation, and two percent for population), and to project revenues, they simply extended forward the rate of increase that has occurred over the past 15 years. When this had been done, it was largely a matter of deciding upon some acceptable rate of reduction in the revenue ceiling year-by-year and setting up provisions for emergencies. When that was done, and their advisors had gone over the draft several times, the proposal was ready for the Governor's announcement.

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"This idea of allowing the people to decide whether government should take more of their earnings in taxes may be a novel one to some," said Governor Reagan in a speech to the California Newspaper Publishers Association on February 8th. "But unless they have an opportunity to apply a brake to spending, in a few short years they will be paying more than half their income in taxes. There is no other way to effectively control government spending except to control the amount of revenue that government has to spend . . . The revenues under this plan will be more than ample to finance the necessary cost-of-living increases for existing government functions and to finance essential new programs. But it will require the Legislature and the executive branches taking a long, hard look at each item in the budget each year and deciding whether it is worth what it costs the people, or whether some other program deserves higher priority."

Catastrophic impact?

Assembly Speaker Bob Moretti promptly denounced the Governor's proposal, calling it a declaration of "economic war on the interests of most of the people of California." "At first sight, the Governor's plan may appeal to many people justifiably concerned with their taxes," Moretti said. "However, when Californians realize the catastrophic impact his scheme will have on education, health care, environmental protection, public safety, and the quality of life in this state, they will overwhelmingly reject his proposal . . ..This new tax program has all of the disadvantages contained in the recently defeated Watson Tax Initiative [Proposition 14] and is in direct conflict with the Governor's pre-election opposition to that proposal."

The Governor's tax ceiling does bear some resemblance to the unsuccessful Watson Initiative in that it fixes a limit on tax revenues, but with respect to all state taxes rather than local property taxes. And the opposition to the Watson Initiative focused on the fact that it would have sharply curtailed revenue for local government and the public schools without specifying alternative state revenue sources to support them. There is no question of a tax shift under the Reagan plan, but rather a ceiling on what the state will have available to spend. According to the task force's projections, in the absence of a ceiling the present state tax structure will produce $47.1 billion in revenues by 1989, as compared with the $9.7 billion in revenues expected for 1973-74. With the ceiling that Reagan proposes, revenues are still expected to rise to $27.4 billion, nearly a threefold increase over the present level. Assuming that these projections will prove to be reasonably accurate, it will be difficult for opponents of the plan to argue that it will necessarily deny the state needed future revenues. Over the past 15 years, state

Details of the Governor's State Tax Ceiling

Income tax reduction. Beginning in 1974, state income taxes are to be reduced by 10 per cent.

Revenue Ceiling. State tax revenues, excluding federal intergovernmental transfers, employment insurance trusts, and user fees, shall be limited to the percentage that 1973-74 tax revenues are of 1973 personal income for the state (8.75 percent).

Tax Reduction. The foregoing ceiling shall be reduced by 0.1 percent per year, beginning in 1974-75, except that if this percentage would produce less revenue than the equivalent of $360 per capita in "constant (1967) dollars", multiplied by the current Consumer Price Index deflator, the constant-dollar limit shall be used as the ceiling. Upon determination of the tax limit for the year, the Legislature shall adjust the tax rates to hold revenues below the ceiling, except as necessary for the Emergency Fund.

The tax-rate ceiling shall be determined annually by the Economic Estimate Commission, of which the membership shall be the State Controller, the Director of Finance, and the Legislative Analyst. In making its determination, the commission shall consult with the recognized professional economists. The determinations shall be published "on October 1 and April 1 of each year for that fiscal year and the succeeding fiscal year."

Emergency Fund. An Emergency Fund shall be created and maintained in an amount not to exceed 0.2 percent of state personal income. Monies from the fund may be appropriated to meet economic, natural, or other disasters which result in costs exceeding the tax ceiling. To do so, however, will require declaration of a state of emergency by the Governor and concurrence by two-thirds of each house of the Legislature.

Safety Value. In the event of a fiscal emergency that exhausts the Emergency Fund, the Legislature may, by two-thirds vote and with concurrence of the Governor, "impose a specific tax increase for a specific purpose" to meet the emergency. The increase shall end at the next regular statewide election unless extended at that time by vote of the people.

Special Tax-Limit Increase. By a two-thirds vote, the Legislature may put a referendum on the ballot either to defer the regular annual reduction in the tax limit or to authorize an increase in that limit, which increase shall be for a specific purpose and shall authorize the increase of a specific tax.

Local Government Tax Ceilings. The ceiling on local-government tax rates established by SB 90 of 1972 shall be incorporated in the provisions establishing the state tax ceiling.

Local Tax relief. The state tax limit may be raised by the Legislature to cover increased expenditures required by federal law or court action to take over a local function, in which case local taxes shall be reduced "dollar-for-dollar". The revenue limitation shall be lowered if state expenditures are reduced as required by federal law or court action transferring a state function to the federal government.

Tax rate increases. Any increase of a state tax within the overall tax-rate ceiling shall require a two-thirds vote of the Legislature.

Tax Surplus Fund. A Tax Surplus Fund shall be established for revenues in excess of the tax ceiling or expenditures each year. The fund shall first be used to replenish the Emergency Fund, if necessary, and then to provide a tax refund to the people or a reduction in taxes, as determined by the Legislature with the concurrence of the Governor.

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revenues have risen fivefold, and Governor Reagan has acknowledged by his support of withholding in 1971 that the state could not have gotten by with less, but these were years of rapid population growth and expansion of state services which are not likely to be repeated in the next fifteen years.

Analyst opposes

Legislative Analyst A. Alan Post has attacked the Governor's plan, calling it "a complete reversal of policy" that would leave "no discretion as to what kind of tax policy the state could have." Post has also challenged the manner in which future tax revenues were projected by the Governor's task force, charging that the projected figure of $47 billion in revenues in 1989 in the absence of a ceiling is based on the notion that all of the tax changes that have occurred in the past 15 years would reoccur in the next 15 — income tax withholding, expansion of the business inventory tax exemption, and sales tax increases, among others — a forecast that is improbable in many cases and impossible in some. And if the Reagan plan had been in effect during the past 15 years, Post's figures indicate, the Governor would now be trying to pay for $9 billion in expenditures for 1973-74 with only about $6 billion in state revenues. The basic issue that Governor Reagan's proposal raises, nevertheless, is whether elected state officials — Governors and members of the Legislature — can be trusted to act responsibly in determining the level of state spending each year. If they can, if representative democracy works at this level, then there would seem to be little reason for the people themselves to legislate specific restraints so far in advance. But if they can't, then perhaps the people of the state must establish a ceiling on spending such as the Governor wants. Not surprisingly, however, Legislators of both parties, with a few exceptions, appear to be cool, at best, to the idea and are likely to remain unimpressed with the Governor's arguments unless he succeeds in generating strong popular support for his plan.

It is reported that Reagan will give the Legislature until September to consider and act upon legislation to put his plan before the voters as a constitutional amendment in October or November of this year. If the Legislature does not do this, and there is little reason to believe now that it will, the Governor has said that he will take the matter directly to the people, seeking to obtain a sufficient number of signatures to put the plan on a special election ballot in November as a popular initiative. "I think that as long as it looks like the Legislature is honestly dealing with this problem, and ready to make a decision on it," Reagan told reporters, "I'll wait for them. If, on the other hand, they start loving it to death and making constant public utterances that they are in favor of similar tax reform, they just disagree with the provisions of this one, and it goes on and they never come up with anything on the other side, then I don't think I'll have any alternative. Actually, I don't think it would be a case of me having to go to the people, I think the people will come to them, just as they did on welfare."

Disposing of the surplus

Governor Reagan has also revealed his plan for disposing of the state's estimated $852 million surplus. The elements of the plan are: (1) a one-time 20 percent across-the-board reduction in state income taxes ($415 million); (2) postponement of the scheduled one-cent sales tax increase from June of this year to January 1974 ($368 million); and (3) allocation of the remaining $67 million to the Bagley Conservation Fund for later appropriation for "earthquake-proofing" the capitol and purchasing coastline property for state parks. To speed action on the proposal, it was amended into another tax measure, AB 148, that had been introduced by Assemblyman William T. Bagley in January, thus bypassing the need for a 30-day waiting period before the bill could be heard in committee. (Administration officials believe a bill to postpone the sales tax increase must be passed by early April to go into effect by June 1st.)

Bagley's bill was heard by the Assembly Revenue and Taxation Committee on February 26th and immediately ran into heavy opposition from Democrats who hold a 12-5 majority on the committee. Among other things, the Democrats charged that 23 percent of the income tax reduction would go to the one percent of California taxpayers who earn $50,000 or more annually and that $170 million of the tax cut would be lost to the federal government because taxpayers' deductions for state taxes would be reduced. Bagley attempted to counter the first argument by adding a provision to give a 100 percent rebate to all taxpayers whose 1973-74 incomes were less than $6,000, at a cost to the state of $10.8 million. Nevertheless, when the hearing was completed, the committee took the bill under submission, and it appears doubtful that it has any chance of approval in its present form. An identical measure, carried by Senator Robert J. Lagomarsino, has been introduced in the Senate and may be heard next month, but both Bagley and the Governor have expressed pessimism as to the proposal's chances of passage in either house.

In testimony before the Assembly Ways and Means Committee, Alan Post warned the legislators that the projected state surplus may turn out to be much less than expected because of reductions in federal spending planned by the Nixon administration. Although state officials are still in the dark about the impact in several areas, it now appears probable that state costs for welfare and Medi-Cal will increase by at least $160 million over what is provided in the Governor's 1973-74 budget and that there may be additional costs shifted to the state for the public schools, community mental health services, and various social services that are part of the welfare program. These cost increases will not affect the expected June 30th surplus of $852 million, but they do cast considerable doubt on the earlier expectation that the surplus will grow to $1.1 billion by June 30, 1974.

Governor Reagan apparently believes that the $852 million surplus can be returned to the taxpayers or spent as he has proposed, but Post and many Democratic legislators are urging a go-slow approach, at least until more is known about the potential impact of the new federal budget. Post and State Finance Director Verne Orr told the legislators last month that they expect to know a good deal more about this by the end of March.

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Local and Regional Planners Gain the Upper Hand as State Reorganizes to Meet Future Transit Needs

When the new Department of Transportation begins operation on July 1st, California will at last have given official recognition to the conviction that freeways alone cannot meet the state's transit needs and that future transportation planning must start at the local and regional levels. Primary responsibility for transportation planning at the state level will be lodged with a new Division of Transportation Planning, which should have no more commitment to one mode of transportation than to another, ending the monopoly in transportation planning that the Division of Highways has enjoyed for so long. In addition, under the provisions of AB 69 (Deddeh), which brought these changes about, the State Transportation Board has been removed from the Business and Transportation Agency and made into an autonomous body to "advise and assist" both the Legislature and the agency "in formulating and evaluating state policy and plans for transportation programs within the state," to review transportation budgets, including that of the Division of Highways, and to allocate funds for transportation research.

The new Department of Transportation replaces the Department of Public Works, whose personnel, responsibilities, and principal element, the massive Division of Highways, it will absorb. It will also take in the small Department of Aeronautics as one of its six divisions, the others being Highways, Transportation Planning, Mass Transportation, Legal, and Administrative Services (see chart). The former district offices of the Division of Highways will be removed from the control of the State Highway Engineer, broadened to include transportation planning in cooperation with local and regional planners, and placed under the direct supervision of the new Director of Transportation. "We could no longer have a district chief report to a supervisor responsible for only one mode of transportation," explained Neil Dunham, Deputy Director of Public Works, who coordinated efforts to convert DPW to DOT. "The size of the district offices will vary according to the area, and there will be little change in rural areas, but the District Transportation Planner will report to the Division Transportation Planner and not to the State Highway Engineer."

Planning funds

To carry out its planning function, the new Division of Transportation Planning will receive a direct appropriation of $4.6 million in 1973-74 from the state General Fund, $9 million from the Division of Highways for transportation planning related to highway-use, and $29,000 from the old Department of Aeronautics for airport planning, plus some federal and state matching funds. These funds are to be deposited in a new Transportation Planning Research Account created by AB 69 for allocation by the reorganized State Transportation Board. (Determining how much "highway" money should be diverted to highway-related planning is, several observers predict, a likely area for lively debate as DOT begins operations.)

The other new division, Mass Transportation, will be very small at the outset, with a staff of about 30, according to Dunham. Most of its funding will come from gasoline sales tax revenue, which it will pass on to local governments. Its primary function, apparently, will be to obtain federal grants for state and local mass-transportation planning. The effect of these transportation Planning and Mass Transportation divisions, Dunham said, "is to provide us with a focal point, a capability to relate to the federal government in other than the highway mode. So we now have an advocacy role for transportation generally."

Regional emphasis

Transportation planning is to begin, however, on the local and regional levels. Under the planning process set out in AB 69, the State Transportation Board is to monitor planning, which is to be done, on the state level, by the Division of Transportation Planning. The home-rule character of the process is reflected in a statutory requirement that the regional transportation plans incorporate local transportation plans, and that the California Transportation Plan, which must be submitted to the Legislature by 1976, incorporate the regional transportation plans. Though "issues of statewide interregional interest" are the state's primary responsibility, even in this area AB 69 specifies that "the state will make every effort to secure regional consensus."

The Legislature, in writing AB 69, went beyond outlining this local-regional emphasis of the planning process when it pointedly directed that a study be made by the State Transportation Board to identify the respective state, regional, and local transportation planning roles and responsibilities before any planning funds are allocated. This study was carried out, and submitted to the Legislature on January 15th. According to this report, the newly autonomous State Transportation Board "recognizes the importance of local interests, and is assured that the Department of Transportation will strive to achieve local agreement prior to any action." The board also declares that, in monitoring the planning process, it will review the activities of the

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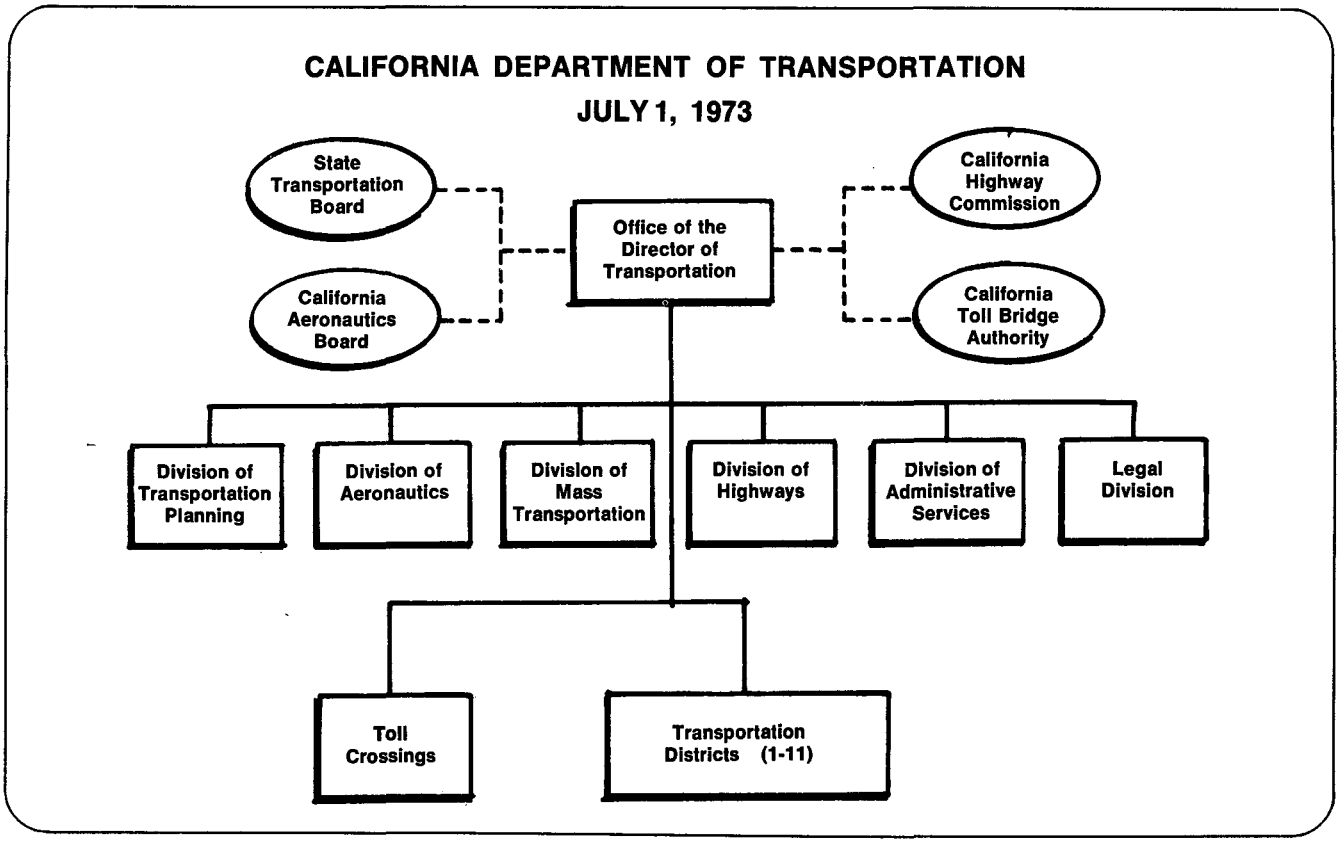

department to protect regional and local desires and interests.

Existing regional transportation planning agencies and councils of governments are to undertake the initial regional transportation planning, but, according to the board's report, "the intent . . . is to provide for an orderly study and transition to a statutory regional agency with adequate powers to implement the plan and program." It was because the state's regional governmental structure is not yet at that point that AB 69 authorized the Business and Transportation Agency to designate existing local and regional agencies that will prepare the local and regional transportation plans. The designated agencies are of three kinds: statutory regional transportation planning agencies, local transportation commissions, and councils of governments, (voluntary associations of local governments, such as the Association of Bay Area Governments and the Southern California Association of Governments).

Only two statutory agencies exist, the Metropolitan Transportation Commission, which covers the nine San Francisco Bay Area counties, and the California Tahoe Regional Planning Agency, which covers those portions of El Dorado and Placer counties within the Tahoe Basin. The statutory existence of the MTC precludes the Association of Bay Area Governments from playing a primary transportation-planning role in the San Francisco Bay Area, but in the Los Angeles area the Southern California Association of Governments is the designated planning authority with which such operating transit agencies as the Southern California Rapid Transit District are to cooperate. Two other multicounty councils of governments have been designated as the transportation planning agencies in their regions: the Association of Monterey Bay Area Governments (Monterey, San Benito, and Santa Cruz counties), and the Sacramento Regional Area Planning Commission (Sacramento, Sutter, Yolo, Yuba, and those parts of El Dorado and Placer counties outside the Tahoe Basin). The remaining counties, largely rural, will have their transportation planning done by single-county councils of government or by local transportation commissions.

Regional impact

James A. R. Johnson, executive director of the state Council of Intergovernmental Relations, has noted with approval AB 69's emphasis on local and regional planning. The legislation, said Johnson, has the virtue of creating a new regional function without creating new regional entities to exercise it. This contrasts with the state's other new regional planning activity, coastal zone land-use planning, which is to be carried out by six regional coastal commissions, whose boundaries bear little relationship to existing regional boundaries, most notably in the San Francisco Bay Area, parts of which are in two different planning regions. "We are very enthusiastic about DOT," Johnson said in a recent interview, "For the first time, with state money and state legislation, California is endorsing a regional approach to a problem." The present welter of 110 different regional systems in California developed largely in response to federal aid programs, he said. "Now, for the first time, state legislation mentions councils of governments, for example. This is something of a commitment by the state to a regional approach." The regional structure, Johnson predicted, will set the pattern for future state funding, just as it has for the federal government.

Potential friction

The State Transportation Board report acknowledges that there may be friction between the regional

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planning agencies and agencies that operate public transportation systems, but argues for trying a voluntary approach to regional cooperation before resorting to mandatory coordination. "Public transportation operating agencies are called upon under AB 69 to voluntarily cooperate and surrender much of their responsibility and authority for system planning to regional transportation planning agencies," the report says. "The incentive to do so lies in the requirement for a multimodal transportation plan and the related programs for capital construction, operations, and funding that are required by AB 69. While the resource allocation under these plans and programs are advisory (except for state agencies), it is believed that present and likely trends in federal regulations will offer the regional transportation planning agencies significant leverage . . . over any project proposals by operating agencies that are dependent on federal funding."

That is also the feeling of SCAG's transportation planning director, Richard Ackerman, who holds that the association's new role "gives us a great deal of strength in drawing together the Southern California Rapid Transit District and the various other districts." That may prove to be the case, but the creation last month of an Assembly subcommittee to "unsnarl the traffic jam holding up constructive solutions for the Los Angeles transportation problem" suggests that it won't be an easy task.

The state's role, says the board's report, is "to establish broad, general policies concerning statewide transportation issues, to coordinate and integrate multimodal transportation planning on a statewide and interregional basis, and provide technical support to regional transportation planning organizations upon request of the regions." This role includes the financing of multimodal transportation, encouraging research and development, both public and private, and developing and maintaining those transportation modes, such as the freeway system, that are a state responsibility.

The multimodal shift

It has taken years, of course, for California to go this far toward development of a balanced statewide transportation system including such considerations as protecting the environment, safeguarding wildlife habitat, respecting local desires, considering alternative land-uses in the areas affected, and viewing transportation as a means and not an end in itself (see *California Journal* June-July 1972, p. 179). Conservation groups, community organizations, local officials, and others have fought hard to end what many now acknowledge to have been an overemphasis on highways and freeways as the key to California's transportation needs. It is also significant, however, that as the Interstate Highway System approached completion and construction began to slow, the bureaucratic instinct for survival began to come into play, according to one close legislative observer, Sid McCausland, who, as principal consultant to the Assembly Transportation Committee, helped draft AB 69. Encouraging such a protective reflex, McCausland said, were shifts in federal funding priorities, increasing hostility toward highway planning by local communities, environmentalists, and conservationists, and inflation's erosion of gas-tax revenues, a relatively slow-growing source of funds. "Now we were coming to a place where a helluva lot of the budget would have to go for maintenance. We'd peaked in terms of growth potential and were going to have to expand our outlook." Recent statements by officials in the Department of Public Works tend to confirm this analysis. "Our highway program is declining," one DOT planner observed, "and we're in a staffing pattern now of reducing personnel to keep pace with a declining program."

Against this setting, attempted raids on the previously sacrosanct Highway Fund, such as the unsuccessful Proposition 18 in 1970, which would have permitted diversion of a percentage of highway revenue to mass-transit and smog-control research, had a telling effect. When the author of Proposition 18, Senate President pro Tem James Mills, succeeded the next year in winning passage of SB 325, extending the sales tax to gasoline purchases, "it was the straw that broke the camel's back," McCausland said. "Making this revenue available to local government was a slap in the face for the state highway-builders." By October 1971, when the year-old State Transportation Board recommended creation of a Department of Transportation, the new transportation catchword, "multimodal", was being used by Division of Highways personnel with growing frequency. And when Governor Reagan urged creation of such a department in his 1972 State of the

TRANSPORTATION PLANNING TIMETABLE

The State Transportation Board is to monitor drafting of a California Transportation Plan, under the following schedule:

July 1, 1973:	DOT and autonomous State Transportation Board begin operation.
January 1, 1974:	Publication of a Regional Progress Report recommending regional transportation goals, objectives, and policies, as well as proposals for "effective regional transportation decision-making, including creation of statutory planning agencies."
April 1, 1974:	Publication of the first Statewide Progress Report, including a status report on DOT organization.
July 1, 1974:	Adoption of the statewide report by the State Transportation Board and submission of the report to the Legislature, which "enacts a declaration of statewide transportation goals, objectives, and policies."
April 1, 1975:	Completion and adoption of the Regional Transportation Plans, following public hearings. These plans are to be reviewed annually until 1978 and biennially thereafter.
July 1, 1975:	State Transportation Board adopts the Second Statewide Progress Report.
January 1, 1975:	Adoption of the California Transportation Plan by the State Transportation Board, and submission to the Legislature. After legislative adoption, the plan is to be reviewed annually, prior to the annual budget review, until 1978, and biennally thereafter.

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STATE TRANSPORTATION POLICY

Assembly Bill 69, which gives autonomy to the State Transportation Board and merged the Departments of Public Works and Aeronautics into a single State Department of Transportation, also outlines state transportation policy in these words: "It is the desire of the state to provide a transportation system that significantly reduces hazards to human life, pollution of the atmosphere, generation of noise, disruption of community organization, and adverse impacts on the natural environment. The desirability of utilizing corridors for multimodal transportation, where possible, to improve efficiency and economy in land use, is recognized." To carry out this policy, AB 69 set the following transportation goals for the state:

- Encourage and stimulate the development of urban mass transportation and interregional high-speed transportation where appropriate as a means of carrying out the policy of providing balanced transportation in the state.
- Implement and maintain a state highway system which supports the goals and priorities determined through the transportation planning process, which is in conformity with comprehensive statewide and regional transportation plans, and which is compatible with statewide and regional socioeconomic and environmental goals, priorities, and available resources.
- Assist in the development of an air transportation system that is consistent with the needs and desires of the public, and in which airports are compatible in location with, and provide services meeting, statewide and regional goals and objectives.
- Encourage research and development of technological innovation in all modes of transportation in cooperation with public agencies and the private sector.

State message, the division and the State Highway Commission, which allocates the division's funds, had no choice but to tack around in search of a more favorable breeze.

This is not to say, however, that the highway interests inside or outside government are entirely pleased. "This looked like the most innocuous thing to them," McCausland said. "There is still no legislative budget control over highway spending," he noted, "only over planning funds. And, in any case, 95 percent of the Highway Fund is already committed to specific projects. To have any impact at all, you've got to get out in front of their construction machine."

That, adds Neil Dunham, the DPW official working on the new department's organization, is precisely the importance of the multimodal planning function called for by AB 69 and embodied in DOT — hard as "multimodal" might once have been for anyone in the Department of Public Works to say.

It was said...

When we had 28 Assembly votes around here, geez, we blackjacked, banged, tied up, did everything we could to lock in those 28 guys because that's all we could do . . . It wasn't necessarily the most idealistic thing in the world but was the only practical way we could have any voice at all. And the Republicans are in that position now.

. . . by Assembly Minority Leader Robert Monagan, in urging Republican Party unity in facing the 1974 elections.

I don't need to tell you about used-car salesmen. They are the only group whose reputation for honesty is lower than that of politicians.

. . . by Senator Alfred H. Song, in a report to constituents.

I'm willing to take a stand on major issues that are going to make a major difference in a child's life. But I learned a long time ago that you don't waste your ammunition on target practice. And I consider the creation thing target practice.

. . . by Wilson Riles, state Superintendent of Public Instruction, on whether the divine creation theory of origin should be allowed in elementary school science texts.

In spite of our professional pride, engineers would be making a big mistake in continuing to write off the environmental coalition as a bunch of eco-freaks.

. . . by William Gianelli, director of the state Department of Water Resources.

There is one form of birth control that begins by just shaking your head.

. . . by Governor Reagan, commenting on morality and sex.

The city or local political unit is an out-moded concept for the most part . . . We are not residents of Oakland or San Francisco or Mill Valley, but residents of the Bay Area. I breathe the air you pollute and you feel the backlash of an urban slum that my city fathers allowed to develop, so we must work together to solve the problem.

. . . by Senator Nicholas Petris, speaking on "Regional Government Must Happen".

The big premium up here is on being nice. There's no Democratic or Republican party — just the Nice party. There's a real de-emphasis on issues. It takes strength of character just to remember what you came up here for. The lobbyists are the nicest people of all the nice people around this place. They must have graduated from the world's best charm schools.

. . . by freshman Assemblyman Howard Berman, reflecting on his new job.

I believe that ambition in politics is as worthy as ambition in business. Men who are ambitious, if they perform their jobs properly, get promoted."

. . . by Assemblyman Walter J. Karabian, explaining why he raises campaign funds before deciding what office to seek.

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Dismantling OEO Clouds the Outlook for the State's Programs for Providing Needy With Free Legal Aid

By Ann Morris

As the federal Office of Economic Opportunity is being dismantled, considerable concern has been expressed about the fate of its often-controversial programs for providing free legal services for the poor. Although it appears at the moment that these programs will continue, uncertainty has focused attention on all the legal services programs available to the needy and proposals for expanding them. The following article describes the various legal-service programs in California, their scope and objectives, and their status.

Equal treatment under the law is a fundamental tenet of American democratic theory. Yet for most of our history, equal access to the judicial system, which is the protector of this basic right, has often been denied to those who lack private resources to pursue their interests before the state and federal courts. Early in this century, the legal profession sought to improve the lot of the poor in this regard by establishing as an ethical obligation of its members the provision of free legal assistance to those who cannot afford to pay. This was an important step toward equality, yet often it fell far short of its promise. Its weakness lay in its dependence upon the willingness of individual lawyers to give up their time and the income they receive from paying clients to minister to the needs of the poor, who often have little sense of their rights and frequently are reluctant to ask for charity in any case.

Two relatively recent developments have served, however, to replace the earlier concept of free legal aid as a professional obligation with that of comprehensive legal aid as a right of all citizens, in civil as well as criminal cases, and in the state courts as well as the federal. The first of these developments was the 1963 decision of the U.S. Supreme Court in *Gideon v. Wainwright* establishing the rights of indigents in criminal cases. The second was passage of the federal Economic Opportunity Act in 1964, extending legal aid to indigents in civil actions. Prior to *Gideon*, right to counsel was generally acknowledged only in capital crimes and certain other major felonies. In *Gideon*, the court acknowledged that this did not ensure equal protection under the law, saying, in Justice Hugo Black's words:

> From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him.

Following *Gideon*, many states were forced to greatly expand their provisions for assuming legal aid to defendants in criminal actions of all sorts, but California had already moved a good distance in this direction.

Public defenders

As in most other states, the public defender system is the backbone of California's legal aid system. Public defenders are independent county officers supported largely from county revenues, with a small subvention from the state. Thirty-four of California's 58 counties now have a full-time public defender's office (the largest by far is that of Los Angeles County, which employs 400 attorneys and handles civil as well as criminal cases). Among the other 24, San Diego County has a mixed public-private defender system, San Mateo County operates a private defender system, and the remaining 22 counties either have part-time public defenders or rely entirely upon private attorneys. The jurisdiction of the public defenders ranges across the entire spectrum of criminal law, from juvenile cases through capital crimes, and when a public defender's staff becomes overloaded (or is precluded from handling a particular case, because of a conflict of interest, for example) private attorneys may be called upon to handle cases at public expense.

Although the public defender system (and the practice of appointing private attorneys in counties that do not have a public defender) is far superior to the old voluntary system, from the indigent defendant's point of view, it still has several significant weaknesses. In nearly every county that has a public defender's office, budget restrictions on staff and expenses limit the office's effectiveness, often creating an overload of work that is certain to be reflected in the manner in which clients are served. Many offices attempt to deal with this problem by setting up a "horizontal defense" procedure whereby different stages of adjudication are handled by different lawyers, each assigned to a single element of the whole process. Thus, a defendant may be represented by one attorney at arraignment, another at trial, and still another at sentencing. Although this approach may be the most efficient way to handle a heavy workload, it seldom wins the confidence of indigent clients. "People don't like to be put on the assembly line," acknowledges William Higham, president of the Public Defenders Association. To date, however, only a few counties have been able to adopt a "vertical

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SOURCES OF LEGAL AID TO THE POOR

Agency	Jurisdiction	Client Eligibility	Funding Source	Operating Area
County Public Defenders	Criminal Cases[1]	Determined by agency	Counties	43 Counties
Court-Appointed Counsel	Criminal Cases	Determined by courts	Counties	All Counties
California Rural Legal Assistance	Civil Cases	Persons below OEO determined poverty line	Federal Government	Nine regions covering entire state
Western Center on Law and Poverty	Civil Cases	Persons below OEO determined poverty lines	Federal Government	So. California up to Tulare Co.
OEO Legal Aid Societies (including Neighborhood Legal Aid Organizations)	Civil Cases	Persons below OEO determined poverty lines	Federal Government	52 offices in 28 counties
Other Legal Aid Societies	Civil & Criminal Cases (primarily lawyer referral)	Locally Determined	United Fund and other private contributions.	24 offices in 11 counties

[1]The Los Angeles County Public Defender also handles civil cases.

defense" procedure, in which the same attorney handles all stages of a client's case.

Another consequence of the heavy workload carried by most public defenders is that they must frequently rely upon private attorneys to handle appeals on assignment by the courts. Three years ago, the Judicial Council, which is chaired by Chief Justice Donald Wright, conducted an extensive study of this practice and, without directly challenging the quality of the legal service provided clients, concluded that the practice is unsatisfactory because too often clients are represented by inexperienced attorneys with little or no training in appellate procedures. The council found that private attorneys are usually selected from a roster of volunteer attorneys who are willing to work for the relatively low fees paid assigned counsel, and that this usually means younger, less experienced or less successful attorneys who need the additional income. Moreover, the council discovered, there is often little or no training in appellate procedures for assigned attorneys.

The Judicial Council considered several ways to improve the representation for indigent clients at the appellate level, including simply raising the level of fees paid assigned counsel. It concluded, finally, that the most effective action would be to establish a State Public Defender to represent indigent defendants before the appellate courts, just as the Attorney General, rather than individual district attorneys, represents the state in criminal appeals. Such an office, the council said, would permit the building of a corps of attorneys knowledgeable and experienced in criminal appeals, would eliminate the existing difficulties in obtaining the services of private attorneys, and would encourage coordination of appeals in related cases. It would also permit a more objective approach to each appeal, as contrasted with the situation when the same office that handled the trial, unsuccessfully, also handled the appeal.

Following the council's recommendation, Assemblyman James A. Hayes introduced a bill in 1970 to establish a State Public Defender. Hayes' bill, AB 497, was defeated, but the idea was revived in 1971 with bills introduced in both houses — AB 1419 (Warren) and SB 24 (Dymally). Both bills passed the Legislature on this second try, receiving support from the California State Bar, Attorney General Evelle J. Younger, the A.C.L.U., the Trial Lawyers Association, and the California Public Defenders Association, as well as from the Judicial Council. But they were vetoed by Governor Reagan because, he said, the proposed system did not provide opportunity for representation by a single attorney through all stages of a case, from preliminary hearing through all appeals. There was no attempt to reintroduce the idea last session, and there may not be this session, but it is far from dead. Proponents of the State Defender plan say they are waiting until Reagan is succeeded by someone with a more open mind on the subject.

Civil cases

But strengthening the existing public defender system will not resolve all the problems of inadequate legal representation for the poor, because the whole arena of civil law is virtually untouched by the public defender system. Despite the fact that over the past few years the sense of the *Gideon* decision has been extended to civil as well as criminal matters, most public defenders' offices, with the exception of the Los Angeles Public Defender, do not handle civil cases. It was not until passage of the Economic Opportunity Act of 1964 that extensive legal assistance for the poor in civil matters became possible, and it is still a matter of conjecture whether such assistance will become an unchallenged part of our legal system in the near future.

The 1964 act set up a legal services program, under the direction of the Office of Economic Opportunity, "to further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and by providing legal advice, legal representation, legal counseling, education in legal matters, and other appropriate legal services." Although the law avoided specifics as to how these legal services were to be provided, it did lay down two basic limitations: that aid was to be extended to indigent persons in civil cases only, and that such aid was to be aimed at securing "the greatest possible impact in promoting family and individual self-sufficiency." This last con-

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dition may sound like standard welfare rhetoric, but it has been the subject of much of the controversy that has surrounded the OEO legal assistance programs from the start. On the one hand, it argued that with these words the law itself mandates an "impact orientation" for OEO-sponsored legal services and that the most efficient way to serve the poor with maximum impact is to concentrate on "class action" cases affecting whole groups or classes of people — cases that get to the roots of poverty. But this often means challenging government itself where laws and administrative practices are believed to work against the poor. And such attacks have provoked a counter argument from those who are not convinced that public funds should be used to attack public institutions and laws. Vice President Spiro T. Agnew, for example, wrote in the September 1972 issue of the *American Bar Association Journal* that "the paramount goal of legal services should be to respond to the needs of individual clients." Otherwise, wrote Agnew, "you have a federal government project using public monies purportedly for public purposes but actually for whatever purposes the individual lawyer deems worthwhile." Agnew and opponents of the class-action technique say that OEO legal services should emphasize a case-by-case handling of everyday problems, such as divorces, adoptions, and property rights.

So far, neither side has prevailed in this continuing debate, but repeated use of the impact approach by CRLA and the other OEO-supported agencies has led opponents to challenge the whole concept of OEO legal services.

CRLA

Easily the most controversial of the OEO-sponsored programs is California Rural Legal Assistance (see *California Journal*, June 1971, p. 175), a program in which the "maximum impact" approach has been followed from the start. Established in 1966 primarily to serve the rural poor, CRLA has become the largest legal aid program in the state, with nine regional offices and an annual budget of $1.8 million. In keeping with its emphasis upon attacking the roots of poverty, CRLA's regional advisory committees have given priority to legal services in the fields of education, employment, and political rights, and CRLA attorneys have frequently employed class-action suits to pursue these priorities. Edgar Kerry, who heads the CRLA legislative office in Sacramento, explains the organization's use of class-action suits this way: "If 15 different people bring the same problem to 15 different courts, you may get 15 different responses or 15 similar responses, yet there are no changes in the law itself to prevent recurrence of the problem. The class-action suit affects many people and also keeps the law reasonably clear."

Kerry and others in the Sacramento office carry this approach one step further, testifying in behalf of the poor in legislative hearings and initiating legislation in areas in which they find existing laws inadequate. To some, this seems to extend "legal services" into the political arena, but CRLA believes that its high visibility as a champion of the poor has thrust this responsibility upon it.

The Western Center on Law and Poverty in southern California is another OEO-sponsored legal service program. The center was set up in 1967 to operate in association with the law schools of the University of Southern California, the University of California at Los Angeles, and Loyola University. Although it also maintains a legislative office in Sacramento, its main functions are to provide legal research, training and recruiting services, and trial assistance for other legal programs operating in southern California. It has also devoted substantial effort to community education programs intended to familiarize attorneys and potential clients with the legal services available to them. Although the Western Center, like CRLA, emphasizes the impact approach in such areas as housing, employment, and police-community relations, its visibility has been considerably less than CRLA's because of its emphasis on providing back-up services. The center does participate in litigation — the *Serrano* case being perhaps the most noted example — but this is not its primary activity. Consequently, it has been spared much of the criticism CRLA has received.

OEO also funds some 60 legal aid agencies and neighborhood law offices. Some are active in class-action cases, but mainly meet the day-to-day legal needs of the poor. These offices, together with some 25 privately funded agencies, are set up to serve residents of the communities in which they are located on a first-come, first-served basis. Most of these offices and agencies are greatly overloaded, leading many to believe that a need exists for a much broader system of legal services for those who cannot otherwise afford the aid of an attorney.

Legal Representation for the Poor[1]

	No. of Attorneys	Populations Served	Ratio Attorney/Client
Legal Services attorneys	338	3,006,000[2]	1:8893
All other attorneys	34,841	16,419,000	1:471

[1]State Bar data as of February 1972
[2]Under the OEO's poverty line

Legal Services Foundation

One such proposal has come from Governor Reagan, who has made no secret of his dislike of CRLA and the other OEO programs that have emphasized class-action suits. In January 1972, Reagan announced formation of a new corporation, the California Legal Services Foundation, "a bold new experiment aimed at significantly improving the quality and availability of professional legal services to the poor of California." The purpose of the corporation, which has been awarded $2.5 million in OEO funds, is to test various ways of providing legal services to the poor with broadly based participation by private lawyers. Shortly after Reagan's announcement, the State Economic Opportunity Office sent a letter to the State Bar, local bar associations, OEO legal service directors, among others, inviting them to prepare and submit projects for funding. By mid-February, three organizations had been selected to receive OEO funds for pilot projects — the State Bar, the National Bar Foundation, and the State Office of Economic Opportunity itself. Each group prepared a project proposal that was forwarded by the state office to the federal OEO office.

Among these proposals was a "Judicare" program developed by the State Bar prior to the Governor's announcement. Under this plan, which is to be tried out in Santa Barbara County, private attorneys are to provide legal services to qualified poor persons and submit their bills directly to a state agency for payment. It

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would thus be similar to the Medi-Cal program for health care, except that there would be no intermediary to handle billings and payments for the state. Other proposals submitted as part of CLSF for OEO funding were based upon similar procedures, though several would use staff attorneys in addition to private attorneys, and others proposed to obtain at least partial funding by extending the services to paying clients as well.

Funding questions

The recently announced decision of the Nixon administration to disband the Office of Economic Opportunity and to terminate many of the programs it has sponsored, has raised questions as to whether the legal services programs will be continued. Several of the local legal aid foundations have already run out of funds, or will in the next month or two, but have yet to learn whether they will receive new grants. Howard J. Phillips, new acting director of OEO in charge of disbanding the agency, has frequently attacked the way that OEO legal services have been provided, and in mid-February Phillips fired the national director of OEO legal services and the director and deputy director of OEO legal services for the western states. As a result of these and related actions, several legal aid societies report that they are effectively shut down.

At present, however, it is believed that all existing legal services programs (including CRLA) will be continued and that funding approval for CLSF is imminent, though the question of how these programs will be administered remains undecided. OEO legal aid funds have been distributed through Community Action Programs, but those agencies are being closed. The Nixon Administration apparently intends to ask Congress again to set up a new public corporation to administer legal aid funds, but there is considerable uncertainty how this corporation should be constituted and whether Congress will go along with the President. Nixon has said that he will ask for authority to appoint a 19-member board to manage the corporation, but opponents of that plan, chiefly Democratic members of the House and Senate, want other agencies, such as the state bars and local poverty programs, to participate in the board's selection. A similar plan last year was rejected by the Congress, which in 1971 and 1972 passed legislation (vetoed by the President) setting up a corporation beyond the President's control. White House officials are reportedly sensitive to the possibility that reintroduction of such a plan may be viewed as a cynical move to allow legal services to die with OEO, but they are said to believe that the dismantling of OEO will force Congress to approve some kind of new public corporation to administer legal services, and California legal aid directors seem to agree.

At the local level, several directors of OEO-sponsored legal aid societies have expressed concern that their funding, if continued, seems likely to be placed on a short-term basis, adding an element of uncertainty that will make it difficult for them to retain their staffs and plan their workload very far into the future. All of this suggests that the scope and form of continuing legal aid for the poor is far from decided, and that developments within the next six-to-twelve months may have a major impact on what finally emerges on the state and national levels.

Emergency Job Creation Programs to

When President Nixon signed the Emergency Employment Act in July, 1971, his action signaled an important change in federal manpower programs aimed at reducing unemployment. Until enactment of the new Public Employment Program, or PEP as it quickly came to be known, Congress had tried a whole series of job training and placement programs intended to alleviate the nation's unemployment problems and hold down welfare roles — the Manpower Development and Training Act (MDTA), the Work Incentive Program (WIN), the Concentrated Employment Program (CEP), Job Opportunities in the Business Sector (JOBS), and the Technology Mobilization and Reemployment Program (TMRP), among others. Although differing in detail, all of these programs (several of which are still in effect) were based on the assumption that if unskilled, unemployed persons were given job training and counseling many could be placed in jobs and become productive, self-supporting citizens. All of these programs have, however, had little impact on unemployment, largely because of a lack of the very jobs for which the participants were trained. As a consequence, dropout rates have been high and placement in steady jobs has been low (see, for example, the discussion of WIN in *California Journal*, January 1972, p. 22). In the absence of more jobs, all that these programs can be expected to accomplish is to speed placement of available workers in the jobs that do exist.

With enactment of PEP, however, Congress revived a concept that had lain more or less dormant since the days of the Works Progress Administration — namely that government should act as an "employer of last resort", providing public-service jobs for able-bodied men and women for whom no other jobs are available. To this, Congress added a newer idea — that the federal government should provide the necessary funds for such a program with a minimum of administrative apparatus, relying instead on state and local government to spend the money according to their needs. Thus, PEP became a forerunner of the Nixon administration's programs, a prototype of the President's similar efforts in other fields.

Jobs, experience, public service

The essential feature of PEP, then, is that rather than training the unemployed for selected jobs and then trying to push them into a limited and highly competitive labor market, it places them in public-service jobs. Using federal funds, state and local government agencies hire the workers and give them on-the-job training.

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Be Phased Out Despite Some Success

This not only gives the workers a job and some experience but also allows state and local governments to perform public-service functions they could not otherwise. In its first year, the program was allocated $1 billion in federal funds, including $750 million in basic funding and $250 million for special aid to areas with severe unemployment, (more than six percent) to provide approximately 150,000 jobs. In the current year, the allocation is $1.25 billion.

This did not happen overnight, of course. The fight to set up such a program goes back at least to 1964, when Wisconsin Senator Gaylord Nelson introduced a bill to finance $1 billion in conservation jobs through a nickel-a-pack increase in cigarette taxes. Nearly every year thereafter, Congress considered legislation to create some form of public-service employment for the jobless, but such legislation was repeatedly defeated, mainly through the opposition first of President Johnson and then of President Nixon. In fact, as recently as December 1970, President Nixon vetoed the Employment and Manpower Act of 1970, which contained $2 billion for public jobs and had easily passed both houses of Congress, saying it would create only "make-work, WPA-type" jobs. It was only a few months later, however, as official estimates of unemployment reached six percent and political pressure for federal action grew, that Senator Nelson won agreement from the President for a temporary program that would operate as long as the national unemployment rate exceeded 4.5 percent, a level that Nixon had earlier said was the maximum his administration would tolerate.

Program details

As enacted, PEP funds are distributed to the states and local government according to their shares of the nation's jobless whenever national unemployment reaches or exceeds 4.5 percent for three consecutive months. The funds go to cities with populations of 75,000 or more (no such city is to receive less than $1.5 million); to counties with at least 75,000 residents that are outside cities eligible for their own funds; each of the states, the District of Columbia, and U.S. territories (for areas that do not receive PEP funds directly); and Indian reservations. The participating cities, counties, and states must match 10 percent of these funds, in either cash or in-kind contributions. Ninety percent of the basic federal funds must be used for salaries and wages for persons employed under the program. No more than 3.2 percent can be used for administrative costs, and the remaining 6.8 percent can be used for either wages or supporting activities.

California joined the program upon passage of Assembly Bill 1527 (Moretti) in December 1971, which provided $150,000 as the state's matching share. (No funds were provided for city and county matching — that was left up to them.) Some 24,200 positions have been made available in California under this program, 3,000 for state agencies and institutions of higher education, and the rest for local government, at a cost to the federal government of $164.5 million. (When the program was begun, an estimated 600,000 Californians were unemployed.) As required by federal law, first priority went to unemployed or underemployed "Vietnam-era" veterans (those discharged after August 4, 1964). The second target group included welfare recipients, minority groups, persons over 45 years, persons 18 or over entering the labor market for the first time, and persons out of work because of technological change or shifts in federal spending.

AB 1527 designated the state Advisory Coordinating Council on Public Personnel Management to monitor and evaluate the program, a task Governor Reagan had already assigned to that body administratively. The Department of Human Resources Development was designated to administer the participation of state agencies and to help the 30 cities and 30 counties that serve as direct recipients of federal funds at the local level. No special offices were set up by the federal Department of Labor or the state Department of Human Resources Development, however, in keeping with the Nixon administration's insistence that this be a low-overhead, short-term program.

Pressure to create jobs

In the first few months, there was heavy pressure to create and fill the public-service jobs as rapidly as possible to meet the original job target by Christmas 1971, five months after Congress passed the act. In addition, the Department of Labor, which is responsible for administering the program nationally, set a target of filling 30 percent of all PEP jobs with Vietnam-era veterans (later raised to 40 percent for 1973). Both goals proved unrealistic, and it was not until spring that all new positions were filled statewide, despite constant urging, first from the President and later from the Department of Labor. Part of the problem, according to the program agents, was that the federal guidelines, drawn up in great haste six months earlier, often worked against the program. For example, cities were prohibited from employing persons from outside their boundaries, but could not otherwise meet demands for hiring persons from minority groups or in other priority classes. Contradictory requirements regarding "target" groups to be served reportedly led many program agents to decide for themselves what their actual priorities should be.

It also proved impossible for many program agents to meet the 30 percent target for Vietnam-era veterans. In many areas of high unemployment, there just weren't (and still aren't) enough unemployed veterans to fill that percentage of PEP jobs. According to Mike Poggenburg, director of the Advisory Coordinating Council on Public Personnel Management, by May 1972 only 43.8 percent of the program agents had been able to meet the goal of 30 percent for basic funds, and only 29.3 percent had been able to meet that goal with the

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special funds allotted to areas with exceptionally high unemployment.

Still another difficulty arose because of a strict limitation on the use of funds for administrative costs, training programs, supervision and other supporting activities. At the outset, program agents, charged with removing "artificial barriers" to the employment of unskilled and inexperienced persons, had to quickly devise testing and placement systems with which they had little or no previous experience. Then they found that regular employees were reluctant to provide on-the-job training and support for PEP employees at the risk of being pushed out of their own jobs. Nevertheless, some such training was necessary if 50 percent of PEP employees were to be expected to move on to other jobs, as the federal law provided.

By May 1972, however, California had provided 24,217 PEP jobs, or 106 percent of its original authorization. Approximately 16 percent of those employed were Vietnam-era veterans, while another 27 percent were other veterans. Over 40 percent were classified as economically disadvantaged, but only 16 percent had been welfare recipients. About 20 percent were Mexican-American, 17 percent black, 3 percent American Indian, and 6 percent other minorities. More than 40 percent had been unemployed for 15 weeks or more, but 30 percent had been out of work less than five weeks. Surprisingly, 84 percent had completed high school and 41 percent had some college training.

Phase-out

The initial federal appropriation for PEP provided $2.25 billion to cover 1971-72 and 1972-73. Thus, it will run out of funds unless a new appropriation is passed by this June 30th. Coincidentally, the other two major federal manpower programs, WIN and MDTA, are also scheduled to end this summer unless renewed by Congress and the President. Earlier, it appeared that the Nixon administration intended to phase out all three programs this year, eventually substituting a special manpower revenue-sharing program to provide funds for local comprehensive manpower programs. It now appears, however, that Nixon will not seek legislation for special revenue-sharing in the manpower field this year (as he did last). Instead, he will ask for a straight extension of existing authorization statutes and will attempt to consolidate administratively more than a dozen separate programs into a substantially reduced $1.2 billion package.

According to a special analysis of the federal budget for 1973-74 prepared by the Office of Management and the Budget, PEP is to be phased out through the end of fiscal 1973-74 "to provide time to place those employed under this program in permanent employment." When the program began, this analysis states, unemployment was about six percent nationally, and the states and local government had important public-service needs that they could not finance themselves. Now, according to OMB, the national unemployment rate is down to five percent and expected to fall to 4.5 percent by December. In addition, private, nonagricultural employment has risen by 1.4 million over the last two years; the remaining unemployed are "mostly in need of assistance which this program cannot provide"; and "the state and local fiscal situation has improved and will continue to do so with the receipt of general revenue-sharing funds." Those states and local governments that want to continue to fund this kind of public employment, says the Nixon administration, can use either the proposed new special manpower revenue-sharing funds or general revenue-sharing funds to do so.

Success stories

Last winter when the Nixon administration directed program agents not to refill positions vacated by persons moving to permanent private or civil service jobs, several state and local agencies began to express concern about losing their PEP positions. Now that the administration's plans are known, it's a safe bet that the outcry will grow as Congress debates the renewal of funding for WIN, MDTA, and PEP. As this happens, PEP "success" stories will appear in the press with increasing frequency, and, as is to be expected, those agencies that have made the best use of their PEP fund allotments will be the most reluctant to give them up, particularly when there is so much doubt about the actual impact of the administration's revenue-sharing programs.

It is also possible that there will be renewed attempts to expand the program along the lines of Senator Alan Cranston's proposed legislation to spend $10 billion annually for a public employment program untied to any specific unemployment rate. According to testimony on Cranston's bill last April by several nationally prominent liberal economists, an annual expenditure of that size would produce one million jobs directly. This would require 400,000 new private-sector jobs to provide supporting supplies and services, and the purchasing power of these 1.4 million workers would, in turn, create 600,000 additional jobs. That would yield a total of 2 million new jobs, and there would be savings to the federal government, it was pointed out, if a substantial proportion of those filling the jobs were drawn from workers who would otherwise receive unemployment compensation.

The Nixon administration's preoccupation with inflation makes it unlikely, however, that any such proposal will be enacted and implemented in the absence of another sharp rise in the national unemployment rate. More likely, some form of special revenue-sharing will be set up with relatively modest funding, and it will then be up to state and local officials to decide how to allocate the funds most effectively. If this happens, programs like PEP may be continued by some communities, but there will more likely be a shift back to job training and placement programs that appear better designed to deal with long-term unemployment problems.

Because it remained small, PEP scarcely made a dent in California's unemployment rate, and it failed to provide the carefully planned on-the-job training necessary to make unskilled workers employable in private-sector jobs. It appears, too, that many PEP jobs went to persons without the skills and educational background to qualify them for other work, and that little attempt was made to fit PEP in with other federal and state manpower programs. But this is not to say that PEP has been a failure or that it will not be more effective in the long-run than other types of manpower programs. It has been important for those who have jobs, and it demonstrated that, in an emergency, state and local agencies can fairly quickly set up public-service job programs that will have an immediate impact (however small) on unemployment.

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Reagan Hails President's Budget Message While Others See Tough Decisions Ahead for the States

"President Nixon's fiscal 1974 budget is as much a detailed set of plans for reshaping the role of government in the United States as it is a spending program," John F. Burby observes in a recent issue of the *National Journal*. This is becoming increasingly apparent not only to federal officials in Washington but also to state administrators and legislators in Sacramento, not to mention city and county officials throughout the state. "Rarely is a budget message perceived as a dramatic document," said President Nixon, in delivering his 1973-74 budget to the Congress. "In a real sense, however, the 1974 budget is the clear evidence of the kind of change in direction demanded by the great majority of the American people. No longer will power flow inexorably to Washington. Instead, the major power to make many major decisions and to help meet local needs will be returned where it belongs — to state and local officials, men and women accountable to an alert citizenry and responsive to local conditions and opinions. The 1974 budget proposes a leaner Federal bureaucracy, increased reliance on state and local governments to carry out what are primarily state and local responsibilities, and greater freedom for the American people to make for themselves fundamental choices about what is best for them."

Governor Reagan hailed the new federal budget and the policy changes it reflects as a great boon to the people of California, but most other state and local officials, including many who like the rhetoric, are concerned that a large number of federal programs dealing with poverty, education, housing, health, and public assistance are to be either abruptly halted or sharply cut back. As a result, the state and local governments will have to decide quickly whether to continue such programs, largely at their own expense, or abandon them.

Translated into specific programs, the President's $268.7 billion budget calls for a cutback in funding for social services (day care, rehabilitation, adoption, homemaker services), which will leave California with $60 million less than it is eligible for this year; a phasing out of support for community mental health centers, crucial to California's continuing effort to shift patients from state mental hospitals to community-based facilities; a reduction of $80 million in University of California funds for medical research, teaching, and other activities over the next 2½ years; elimination of federal funds for a number of instructional programs administered by the state Department of Education; a reduction of $59 million in "impact" aid to California's public schools near federal installations; and federal subsidies for water and sewer facilities. Overall, total federal assistance to state and local government, which has been rising sharply for 10 years, is to level off abruptly (see tables and related article on next page).

Assembly Speaker Moretti, charging that California may lose at least $625 million in federal aid, has called upon Governor Reagan to intervene with the President to restore the money — an act the Governor is unlikely to carry out. A much stronger reaction has come from local officials who fear that, having accepted and in some cases helped fight for revenue sharing, they are now to find many important categorical funding programs terminated, leaving them in a position that is no better, and perhaps worse, than before.

Last year, President Nixon sought authorization for special revenue sharing in six areas: urban development, law enforcement, education, rural development, manpower, and transportation. This year, according to the *National Journal*, it appears that he will submit proposals for only the first three while effecting some consolidation of spending in the other three areas administratively. In education, the President proposes to consolidate 33 federal programs into one $2.8 million package that would give the states considerable discretion over how the money is to be spent. The urban-development proposal would provide $2.3 billion the first year, and would combine funding for urban renewal, model cities, water and sewer construction, and neighborhood rehabilitation aid. Finally, the existing grant program for aid to law-enforcement agencies, which is administered in California by the Council on Criminal Justice, is to be converted to a $790 million revenue-sharing program that it has resembled from the start.

State and local officials are understandably concerned about losing federal funds that have become important to their annual budgets. They are suspicious of consolidations that are really cutbacks, too, but their position does not seem to be quite as strong now as it was just a few years ago. According to a federal Department of Commerce survey last fall, state and local governments, which nationwide had had a combined deficit in 1968, had a combined surplus of $4.8 billion in 1971 and would enjoy a $14.8 billion surplus in 1972. City officials, especially, have challenged these figures, but they made a strong impression in Washington — and nowhere more so than in the Office of Management and the Budget.

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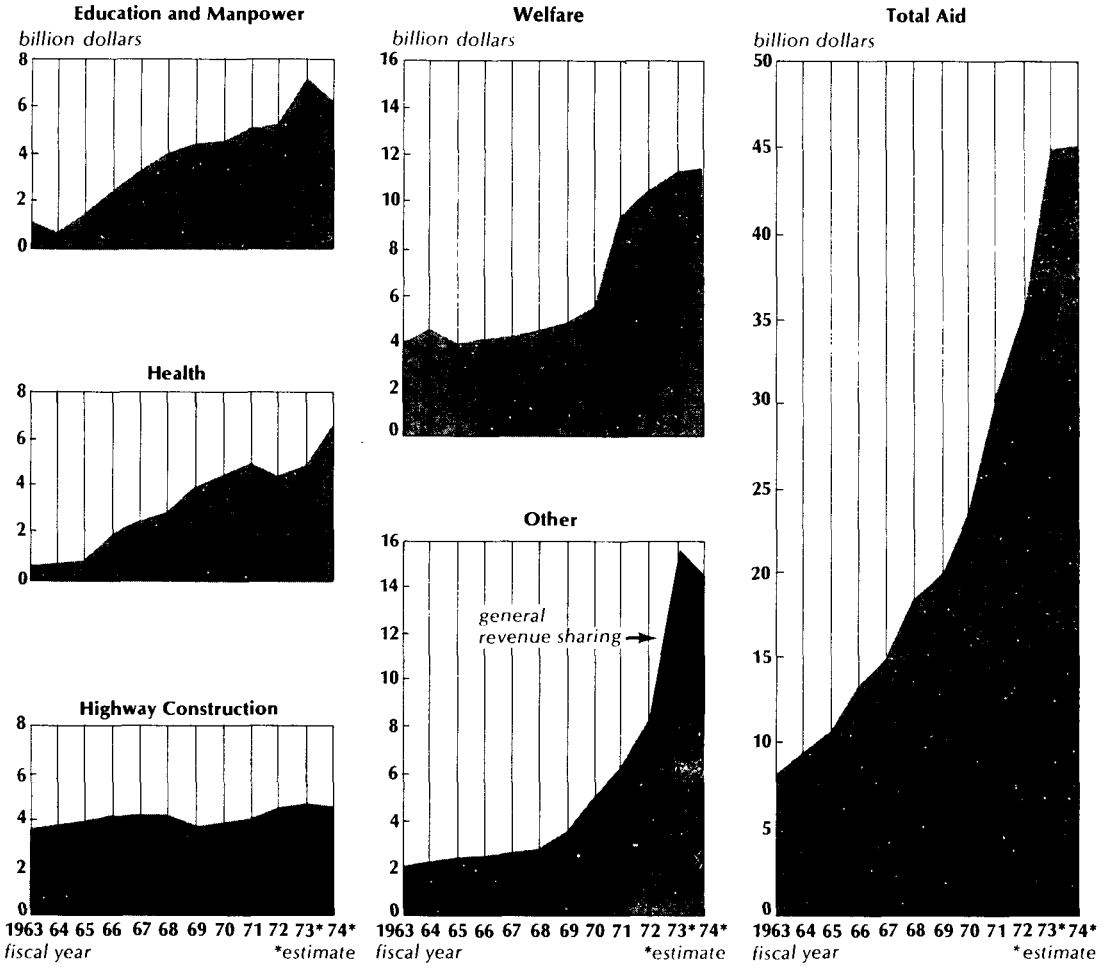
Federal Aid to State and Local Governments



SOURCE: Office of Management and Budget

Reprinted from National Journal

Nixon's 'New Federalism' Worries Some States That Have Begun to Reckon the Cost of Restored Power

By WILLIAM F. LIPMAN

Revenue sharing is the chief policy instrument of President Nixon's New Federalism. This became unmistakably clear on presentation of his 1973-74 budget, but its role was first revealed when the President sent his revenue-sharing message to Congress in August 1969, with the support of many of the nation's mayors, county officials, and governors. At that time, these junior partners in the federal system believed that they had received an explicit promise that general revenue sharing "would not be a substitute for, but a supplement to", the categorical federal-aid system upon which they all were (and are) so heavily dependent. With that promise in prospect, they lobbied successfully for revenue sharing, bringing about passage of the State and Local Fiscal Assistance Act of 1972. The reason for the promise was that almost a decade's debate clearly indicated that many opponents of large federal budgets saw revenue sharing precisely as a way to reduce the national investment in domestic problem-solving. One of their own, Mayor Collins of Boston, warned early in the debate that revenue sharing was the most dangerous domestic idea that had been suggested in America for years. That his, and their, concern was well-merited can be discerned both from the mayors' widely quoted dismay over the budget and from the National League of Cities' official commentary, which flatly states that "this promise has been breached".

To understand why these former supporters now believe they have been had, it is necessary to understand the relationship between general revenue sharing, which they now have, the categorical-aid system, which is being dismantled, and special revenue sharing, which they are very likely to get. General revenue sharing derives from the inherent superiority of the federal revenue-collection system and its link with the national economy, and its purpose is to ease the fiscal pressures

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on these governments. Under the act passed last fall, state and local government will receive $5-6 billion annually over the next five years to use as they see fit.

Special revenue sharing is a device for reforming the way federal money is made available for domestic needs. If enacted, it will consolidate many related categorical-aid programs, and their funds, into a single fund devoted to a specific purpose, such as health or education. The idea is not new. An array of persuasive "good government" (as opposed to ideological) arguments has been marshaled against the categorical system for years. Since 1960, these narrowly conceived and individually administered grant programs have increased from 200 to more than 1,000. Their dollar volume has grown from $7 billion to $38 billion. With this growth came a maze of application requirements and procedures so complex as to call into being an entirely new skill, federal grantsmanship. Under special revenue sharing, state and local elected officials are given full responsibility for targeting and spending funds within these broad functional areas, subject only to much simpler and relatively minimal federal constraints or guidelines. Federal grantsmanship is to become obsolete.

Survey of cities

Why, then, has the alliance between the Administration and the supposed beneficiaries of revenue sharing become strained? One answer is supplied in the replies of the 100 California cities that responded to a questionnaire circulated last fall by Senator Edmund Muskie's subcommittee on intergovernmental relations to 2,300 communities. To the question, "With the advent of revenue sharing, do you believe it would be desirable for the federal government to cut back on categorical aid programs?", many cities answered, "No". Those answering "yes" qualified their assent with the proviso that existing levels of aid should be maintained. Even when acknowledging the difficulties involved in playing the categorical-grant game, city after city declared that funding of this type is vital to their interests. The cities that had already evaluated the impact of announced program cutbacks or eliminations, moreover, demonstrated a keen awareness of the point Mayor Collins had tried to make.

To the extent that special revenue sharing in a given area, such as community development, does not furnish the same amount of funds as the "folded-in" categorical programs it replaces, cities and states must use their general revenue-sharing funds, dig into their own pockets, or raise taxes if they wish to maintain current levels of service. And the problem is compounded by administrative cutbacks in, or restrictions on, the use of social-services funding, including the outright ban on the use of private funds to match federal support — especially for day-care centers. One informed estimate is that private-federal funds accounted for $55 million worth of day-care services last year. Another is that as much as $250 million in social services was supported by the use of private voluntary contributions.

Some who have examined the questionnaire have challenged the priorities reflected in city plans for spending general revenue-sharing funds. To Senator Muskie, his staff, and many observers, this misses the point: special revenue sharing provides powerful leverage not just for reforming categorical aid but also for decreasing it substantially. This leverage arises partly because a budget composed of revenue-sharing packages is just that: there are no line items to indicate what has been folded in. Thus, if Congress is dissatisfied with the proposals, it must restructure the budget. It's not easy for Congress to do this, and, after doing so, there is still the risk of veto or impoundment. Leverage can also be exerted by fiscal conservatives, who ask why state and local governments don't make up the difference with general revenue-sharing funds.

Revenue sharing has two other foreseeable consequences. The first will occur because, however well or poorly conceived, the existing categorical system reflects a set of national priorities. Even after the system's excesses and defects have been fully discounted, the fact remains that many valid programs were established by Congress because other levels of government were unwilling or unable to deal with the problems confronting them. The net effect of revenue sharing is to shift to state and local government complete responsibility for reconstituting this set of priorities. Even with adequate funding, this task will be extremely difficult.

The second consequence stems from the fact that the architects of the New Federalism gave much of the decision-making associated with use of special revenue sharing to the nation's mayors. This may work well elsewhere, but it clearly poses serious problems in California, where county government wields immense responsibility for delivery of a wide range of services. For this reason, it is likely that the state may find itself obliged not only to reset priorities but also to arbitrate or refashion the ways in which they are to be met.

When the President signed the State and Local Fiscal Assistance Act, he said, "The American people are fed up with government that doesn't deliver. Revenue sharing can help state and local government deliver again, closing the gap between promise and performance." Revenue sharing is central to a clearly enunciated and well-designed strategy for returning power and responsibility for domestic problem-solving to state and local government, and there is more than an even chance that this strategy will be successful. If it is, it will test very conclusively whether the junior partners in our federal system can, indeed, close that gap.

ROSTER CORRECTIONS

The 1973 California Journal Roster of State Elected Officials and Legislative Guide, which was included in the February issue, contained a number of typographical errors, which we regret and correct below:

Constitutional Officers, page 2
Brown D, not R
Flournoy R, not Fluornoy D.

Congressional Delegation, page 3
Glenn Anderson, 35th CD: D, not R

Assembly, page 6
Lancaster: R, not D.

Senate Standing Committee, page 7
Local Gov't: Petris D, not R.

Assembly Standing Committees, page 8-9
Comm. & Pub. Util. (5D, 4R); Lancaster R, not D.
Intergov'tl Rel. (4D, 2R); Lancaster R, not D.
Labor Rel. (6D, 3R); Bond R, not D.
Local Gov't (6D, 5R); Lancaster R, not D.
Rev. and Tax. (11D, 6 R); Bond R, not D.
Water (5D, 4R); Lancaster R, not D.
Welfare (5D, 4R); Bond R, not D.

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Administration Strenghtens Its Public Voice by Adding Top-Level Information Jobs and a Dial-a-Release Service

By Bruce Keppel

Three separate studies of the state public information program were undertaken last year, as noted in the June-July issue of California Journal *(p. 190): the State Personnel Board investigated the need for higher information officer grades; the Governor's Office "inventoried" information office personnel out of concern that the administration's accomplishments were insufficiently appreciated by the public; and the Assembly Committee on Efficiency and Cost Control was probing "the nature and extent of advertising and public relations conducted by the various agencies of the state government and the amount of public funds being expended for those purposes." The legislative study, which was requested by Assemblyman John Vasconcellos in the wake of the television documentary, "The Selling of the Pentagon", has yet to produce anything. But the other two investigations have resulted in a substantial top-level augmentation of the public information bureaucracy, a development described below.*

On the second floor of Office Building No. 1, just across 10th Street from the Capitol, an electrical circuit clicks shut and a tape cartridge begins to unwind its message into a telephone. The caller is one of the state's 355 radio stations, and the message going out from OB-I is a government agency's account of something it is doing, has done, or plans to do that it thinks the public should know about. The tape recorder is located in the newly decorated quarters occupied by the Office of Broadcast Services, which began operation in December as, in the words of its manager, Bob McCafferty, "nothing more than a facility for putting press releases into audio form tailored to broadcast needs." This, he points out, may be new to California, but it has been done for a number of years in Illinois, on whose operation his is based. The hiring of McCafferty to open the service is only the most visible of a number of substantial changes made in the state's information program in recent months by the Reagan administration. Not only have these changes considerably enhance the potential of state agencies and departments to publicize their activities effectively; they have also created a new, management-level layer of communications specialists whose aim is to improve and coordinate the administration's public voice.

The view from the top

The architect of this new structure is James E. Jenkins, Governor Reagan's Director of Public Affairs. It was Jenkins who last year expressed dissatisfaction with the state's information program, then explained at a workshop of civil service information officers that "this administration doesn't have any problem along the public-communication line if everyone . . . in the public-information field does his job well." When Jenkins turned to the non-political information programs in the various agencies and departments, he discovered that he had no idea what was being done, nor any administrative means of finding out. So he began "inventorying" information personnel to learn who did what in which offices and how well.

This "inventorying", as Jenkins referred to it, yielded no public report, but it did result in some shifting of civil service personnel. It also strengthened Jenkins' conviction that the information program was unorganized and outmoded, and that not enough attention was paid to the broadcast media. No broadcast facility was available to state information officers, he realized, but he also discovered that few of them were familiar with anything other than the written press — and some not even with that. Thus, Jenkins' first move was to hire McCafferty, news editor at KXTV Sacramento, to set up a broadcast service. Four management-level communications specialists were added to the four state agencies to fill the missing link in Jenkins' information chain of command. And Harvey Yorke, press advisor to Dr. S. I. Hayakawa, President of San Francisco State, was hired to provide coordination through a new State Office of Information. Yorke will work with the new agency specialists and help them improve the civil service information personnel they have to work with—including alerting them to the potential of broadcasting Finally, Jenkins opened a southern area office, under Yorke's supervision, to work with state offices in the Los Angeles area, and to assist Sacramento-based information officers in dealing with southern California news media by arranging press conferences and talk-show appearances, for example, for visiting state officials.

New grades approved

Until Jenkins began revising the system, the highest civil service grade for information officers was IO-II. The State Personnel Board rates this job as being on the periphery of management but rarely involved in policy-making. The salary ranges from $1,317 to $1,603. Last September, however, the board approved an administration request, submitted by the Business and Transportation Agency, to create two new management-level grades in a category of civil service known as "career executive assignment". C.E.A. jobs are filled, according to state regulations, by "competitive examination of persons with permanent status in the civil service who meet such minimum qualifications as

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the [State Personnel] Board may determine." Because appointees serve at the administration's pleasure but are assured a job at their former grade and pay if the C.E.A. classification is withdrawn, career executive assignments theoretically combine the responsiveness of political appointments with the training and experience of civil service advancement.

The board approved an IO-III rank, with annual salaries ranging from $18,300 to $22,260, and distinguished the new grade from that of IO-II by three tests:

- The Information Officer III will *only* be used in departments with the most visible and complex program in which there is a unique or highly unusual amount of public interest, or in a multidepartmental setting where the information officer has responsibility for several departments and reports to the agency secretary and department directors.
- The Information Officer III will *always* be part of the top management group and will therefore have an input and influence on policy and program development and implementation.
- Positions in the Information Officer III class will always supervise lower-level technical staff.

A pool of 14 qualified information officers was established by the board, with Yorke sitting on the qualifying panel, but so far only Bob Nance of the Business and Transportation Agency has been named to an IO-III job. He will supervise information programs in the agency's "public safety group", which combines the California Highway Patrol, the Department of Motor Vehicles, and the Office of Traffic Safety.

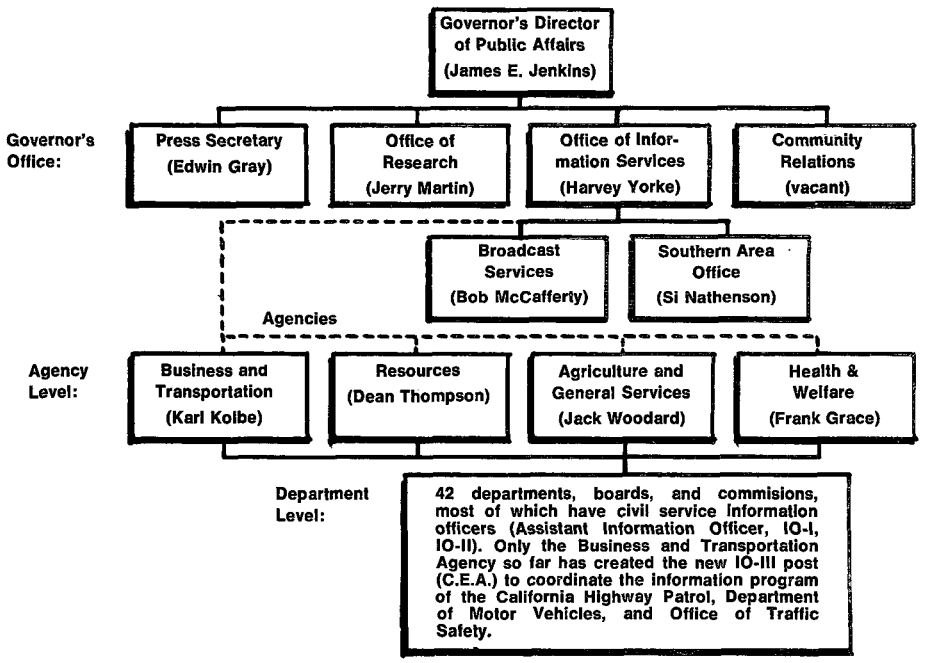
The other top-level position approved by the State Personnel Board was that of Public Affairs Assistant to the Agency Secretary, which was given a salary range of $20,184 to $24,540. According to the personnel board's job description, the public affairs assistant works "under general administrative direction of the Agency Secretary and, as a member of the Secretary's management staff, to plan, organize and coordinate the departmental public information programs of the Agency; to advise and consult with the Agency Secretary, Departmental Directors, and Information Officers on the formation, composition and timeliness of departmental policy and programs as related to the informational impact; to the formal contact point for all media and information contacts for the Agency; and do other work as required."

Despite the board's approval of the Public Affairs Assistant to the Agency Secretary as a career executive assignment to be filled by permanent civil service personnel, only Dean Thompson, formerly the water Resources Control Board's executive secretary, enjoys C.E.A. status (though he's serving on a temporary basis pending outcome of the examination recently conducted for the new job.) The other three agency communication specialists are actually political appointees filling vacant non-civil-service slots and having no standing in civil service, and all four are now working on a contract basis. "My guess," suggested Jack Woodard, one of the three political appointees and former capitol correspondent for the *Sacramento Union*, "is that the administration wanted to get this thing started with people who could bring a fresh view of the system, who were outside the system, but that eventually career people will be brought into these posts."

Legislative review

As Jenkins, Yorke, and McCafferty describe their new operations, they are at some pains to impress upon listeners that the changes they have wrought are not politically motivated, aware no doubt of some legislative and press skepticism toward any augmentation of state information programs. "This will free up the flow of information from the state government to the

REORGANIZATION OF STATE INFORMATION PROGRAM


Governor's Director of Public Affairs (James E. Jenkins)
Governor's Office:
Press Secretary (Edwin Gray)
Office of Research (Jerry Martin)
Office of Information Services (Harvey Yorke)
Community Relations (vacant)
Broadcast Services (Bob McCafferty)
Southern Area Office (Si Nathenson)
Agencies
Agency Level:
Business and Transportation (Karl Kolbe)
Resources (Dean Thompson)
Agriculture and General Services (Jack Woodard)
Health & Welfare (Frank Grace)
Department Level:
42 departments, boards, and commisions, most of which have civil service information officers (Assistant Information Officer, IO-I, IO-II). Only the Business and Transportation Agency so far has created the new IO-III post (C.E.A.) to coordinate the information program of the California Highway Patrol, Department of Motor Vehicles, and Office of Traffic Safety.

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people," Jenkins maintained in a recent newspaper interview. "If it doesn't do that, we'll close it up." All are optimistic, however, that the results will eventually speak for themselves — and so convincingly that Yorke believes that whoever succeeds Governor Reagan will adopt the program. The reason, Yorke explained, is that the new structure meets a long-standing need to reorganize the informational services in order to catch up with such recent changes in governmental structure as those that created the agency secretaries to coordinate the activities of a number of related departments.

The cost of Jenkins' innovations, according to Yorke, is "in the $200,000 ballpark", though the net additional expense is not yet known since, in some

INFORMATION OFFICER SALARIES

IO-I:	$1,084-$1,084
IO-II:	$1,317-$1,603
IO-III: (C.E.A.)	$1,525-$1,855
P.A.A.: (C.E.A.)	$1,682-$2,045

Source: State Personnel Board

cases, personnel were shifted to positions within the new structure and their former jobs have not yet been filled. "The largest single item, aside from salaries, is installation of the broadcast service," York said. None of the present cost was approved by the Legislature for this purpose but was met administratively by using unexpended funds from other programs. The Legislature will have its first opportunity to consider these developments as it reviews the Governor's 1973-74 Budget. That they won't pass unnoticed became clear last month, when the Legislative Analyst's Office recommended that funds to pay the agency-level information jobs in Agriculture and General Services, and Business and Transportation be deleted as unnecessary, in part because of the presence of a number of information officer jobs already in the departments under their supervision (one reason the administration wants the new positions). The Human Relations Agency's budget for "communications" personnel is also undergoing close scrutiny by the Analyst's office, partly because of the merger of health and welfare responsibilities. Several analysts expressed concern over the number of agency jobs contained in the Governor's Budget that are filled by contract, a device used generally to meet an unusual or temporary need. At this point, only the Resources Agency's request for the new C.E.A. job has been judged as justified.

As for Yorke's office, it is likely to be safe from legislative budget-cutters, because, despite its location outside the Capitol, it remains a part of the Governor's Office.

The new program

According to preliminary indications, the broadcast service is being well received, say Yorke and McCafferty. Small and large radio stations around the state can call Sacramento on three toll-free lines to obtain at no cost the voice of a "news-maker" in state government — a department director or agency secretary, perhaps, reading a statement that was distributed to the capitol press corps at the same time. ("It's really no more than the postage we pay to mail out a press release," McCafferty says, regarding the toll-free service.)

This "actuality", as broadcasters refer to getting news from the source's mouth, is preceded by a "bulletin board" that outlines in a few seconds the stories available. Each cycle contains up to three stories, and the cycles change at 10 a.m., 2 p.m., and 5:30 p.m. Each of the stories offered for recording by the participating stations includes a "wrap-around" by McCafferty or one of his staff — that is, a brief introduction and conclusion. This enables stations with only a "rip-and-read" news capability, with no writers of their own, to use the complete tape without editing, if they choose, in which case the reporter is identified as being with "the State Information Service". A station can also, of course, use the recording merely as raw material for its own story, much in the way that a good correspondent will add necessary background and perspective to a press release before submitting it for publication.

Two additional lines are provided for metropolitan stations willing to pay a monthly fee for use of the state's leased-line system and run less chance of getting a busy signal.

In the service's first 10 weeks, 174 "actuality" press releases were made available to broadcasters, and the meters attached to the telephones registered 5,857 calls. Now, McCafferty is surveying the state's stations to determine how many of those calls represent actual usage of the new service.

Coordinating and upgrading

Meanwhile, Yorke is working with the new public affairs assistants for the agencies and his southern area office to improve coordination of informational activities. This month will see the appearance of an "Information Release Forecast" designed to let editors and correspondents know weekly what potentially newsworthy events are scheduled. Yorke also plans, for internal use, a "pending item list" of coming events so that agencies and departments can pool their informational resources and avoid needless scheduling conflicts. "There's no point trying to make headlines the same day the Governor releases his budget," Yorke observes. Other projects include refining, centralizing, and computerizing state press-release mailing lists and compiling a catalogue of the state audio-visual and reproduction facilities available for public-information use.

To improve the product, Yorke plans a regular series of day long workshops, which he expects the State Personnel Board to accept as on-the-job training. "The professional upgrading effort," he says, "has been long neglected." He, McCafferty, and the agency public affairs assistants conducted a news orientation session in January, and the first daylong workshop, drawing on outside professionals as seminar leaders, is scheduled for Los Angeles March 22nd.

The goal of all his efforts, Jenkins maintains, is simply to "maximize the full use of government facilities and more effectively respond to newsmen's needs," while improving communication between the Governor's Office and the state agencies that carry out administration policy. "We're not telling anyone what to do,"Yorke says. "I will not get involved in the content of press releases or policy-making."

In any case, democracy, it might be observed, has yet to founder on too much information, so the test of Jenkins' operation, as far as the public is concerned, may not be how well the government can tell its story but, rather, how readily the press swallows it.

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Joint Legislative Committee Proposes 56 Changes to Make Higher Education in State More Responsive

The Legislature's Joint Committee on the Master Plan for Higher Education published in mid-February a preliminary report of its recommendations concerning the structure, governance, programs, and financing of public and private higher education in California. The report contains 56 recommendations, a number of which are spelled out in some detail. Among the most significant of these are recommendations to replace the Coordinating Council for Higher Education with a Postsecondary Education Commission with a membership broader than the council's and with greater planning powers and responsibilities; establishment of a broadly representative committee to nominate candidates for appointment by the Governor to the UC, CSUC and community college governing boards; adoption of a goal of having enrollment in each segment of public higher education approximate, by 1980, the ethnic, sexual, and economic composition of the state's population; transferring the Regent's authority to set admissions policies and student fees to the Legislature; and the establishment of regional councils throughout the state to promote interinstitutional cooperation and regional planning.

The committee, which has spent 22 months conducting studies and hearings on these subjects (see *California Journal*, February 1972, p. 46), chose to present its report in draft form in the hope that it will stimulate a final round of discussion and debate. To this end, the committee scheduled hearings around the state each Friday in March, and invited educators, students, community representatives, and others to comment on the draft recommendations.

As Dr. Lyman A. Glenny, director of the Center for Research and Development in Higher Education at Berkeley, has pointed out, higher education no longer attracts state legislatures the way it did in the 1960's. This is certainly true of the California Legislature, and it directly reflects the general lack of strong interest that prevails among the voters. As a consequence, the committee will face an uphill struggle if it attempts to translate many of its recommendations into legislation — particularly those that may be opposed by large portions of the academic community. There are, however, two sets of recommendations that have a good chance of implementation: those dealing with the state planning agency and with creation of a new public institution to carry on off-campus educational programs for adults.

Postsecondary Education Commission

The committee's recommendation to replace the Coordinating Council with a new Postsecondary Education Commission is likely to be well received by educators and legislators alike. Both groups, for somewhat different reasons, are dissatisfied with the council, which is generally considered to have been an ineffective planning and coordinating agency, and has never had the authority to carry out the responsibilities legislators thought had been assigned to it under the 1960 Master Plan. (There is reason to believe, however, that the authors of that document did not really want an effective planning body.) Moreover, the Education Amendments of 1972 recently enacted by Congress call for creation in each state of a broadly representative statewide agency with power to coordinate and plan the development of postsecondary education. The need to set up what is called a "1202 commission" (after the section in the federal law), which the Coordinating Council could become only with some significant modification, is likely to force legislative action in this area at least. Assemblyman Frank Lanterman has already introduced legislation to create a new commission, tranferring to it, intact, the existing Coordinating Council staff.

Cooperative university

The other recommendation of the committee that now appears to stand a good chance of implementation in some form is that to create a fourth segment of higher education, the California Cooperative University. This new institution, which would have no campus, would have primary responsibility for planning and coordinating off-campus educational programs. It would be authorized to offer its own programs and award credits and degrees, and it would also be responsible for developing "methods of recognizing achievement on the basis of experiential learning and equivalency tests.

Noting that the "concept of a fourth segment will

'DIVERSE LEARNING NEEDS'

"Learning is facilitated by good planning. Too often, both higher education and 'master planning' have advanced the needs and aspirations of institutions, considering persons largely as abstractions and statistics to be matched with institutional vacancies. We reject that approach to education and planning.

"We are a pluralistic society. Our citizens have diverse learning needs. A primary responsibility of higher education is to respect and complement the individuality of Californians. A primary function of planning is the development of an educational system with a broad range of choices available to each person."

—Draft Report, Joint Committee on the Master Plan for Higher Education

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Summary of Proposals to Open Up

The preliminary report issued by the Joint Committee on the Master Plan in February contained 56 recommendations, several of which are long and detailed. The following summary lists the committee's principal recommendations in as much detail as space permits, but excludes those that would make little, if any, change in existing policy and procedures:

Governing boards. The Board of Regents of the University of California and the Board of Trustees of the California State University and Colleges shall each consist of 22 voting members and two non-voting members. The Governor, Lieutenant Governor, Speaker of the Assembly, and Superintendent of Public Instruction shall continue to be members of both boards. The President of the University of California and the Chancellor of the California State University and Colleges shall continue to be members of the respective boards. An alumni representative shall continue on the Board of Regents and shall be added to the Board of Trustees. Sixteen public members shall be appointed by the Governor. A peer-selected faculty member and peer-selected student shall be non-voting members, with the right of full participation in all sessions. The representation of the Mechanics Institute and the State Board of Agriculture on the Board of Regents shall be eliminated.

The Board of Governors of the California Community Colleges shall consist of 17 voting members and two non-voting members. One appointed member and one alumni representative shall be added to the board. A peer-selected faculty member and peer-selected student shall be non-voting members with the right of full participation in all sessions.

Appointed governing board members of the three segments of higher education shall be selected by the Governor from a list of five to 10 persons submitted for each vacancy by a nominating committee. The nominating committee shall be composed of the Chief Justice of the California Supreme Court (Chairman); the Speaker and Minority Leader of the Assembly; the President pro Tem and Minority Leader of the Senate; the chairman of each segmental governing board; an alumni representative from each segment; a peer-selected faculty member from each segment; a peer-selected student from each segment. The last four committee members designated above shall vote only on nominations for their own segmental board.

Senate confirmation of governing-board members shall be eliminated. Governing boards shall be broadly and equitably representative of the general public, including ethnic minorities and women. Terms of appointed Regents, Trustees, and members of the Board of Governors shall be eight years. A non-voting student and faculty member shall be added to the governing board of each community college district. These representatives shall be peer-selected and shall have the right of full participation in all sessions. The fundamental relationships between state government and the University of California and the California State University and Colleges shall be maintained. The constitutional autonomy of the University of California shall be preserved. The powers of the Regents shall remain as now specified in the California Constitution except with respect to admissions policies and student changes. Constitutional recognition shall be extended to the California State University and Colleges. The powers of the Board of Trustees shall remain the same and shall continue to be determined by the Legislature.

Planning and coordination. The Coordinating Council for Higher Education shall be abolished. There shall be a Postsecondary Education Commission created, with constitutional status. The commission shall be selected so as to be broadly and equitably representative of the population at large. The commission shall be composed of 12 public members: six appointed by the Governor for six-year terms; three appointed by the Speaker of the Assembly for six-year terms; and seven institutional representatives: the Chairman of the University of California Board of Regents or a regent designated by him; the Chairman of the California State University and Colleges Board of Trustees or a trustee designated by him; the Chairman of the California Community Colleges Board of Governors or a member designated by him; a representative of non-profit independent higher education, appointed by the Governor for a six-year term, upon the advice of an organization representative of those institutions; the Chairman of the state Board of Education or a member designated by him; the Chairman of the California Advisory Council of Vocational Education and Technical Training; a representative of proprietary education, appointed by the Governor for a six-year term, upon the advice of an organization representative of those institutions.

The Postsecondary Education Commission shall have these functions:

- Prepare and update annually a five-year state plan for postsecondary education. This plan shall integrate the planning efforts of the public segments as well as regional plans. If there are conflicts and inconsistencies among segmental plans, they shall be resolved by the commission in consultation with the segments. If such consultations are unsuccessful, the commission shall report the unresolved issues to the Legislature with recommendations for resolution;
- Report annually to the legislative and executive branches as to whether segmental operating and capital budgetary requests are compatible with the state plan;
- Act as the official state clearinghouse for postsecondary education information and as the primary source of information for the Legislature, the Governor, and other agencies. This includes responsibility for developing a comprehensive data base and insuring comparability of data from diverse sources;
- Require the public institutions of postsecondary education to submit data on matters pertinent to effective planning and coordination;
- Establish criteria for state support of new and existing programs, in consultation with the public

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segments, the Department of Finance, and the Legislative Analyst;

- Review segmental proposals for new programs and make recommendations regarding funding to the Legislature. (The Legislature shall adopt a statement of intent not to fund new programs unless favorably reviewed by the commission);
- Determine the need for and location of new campuses of public higher education. (The Legislature shall not authorize or acquire sites for new institutions of higher education unless recommended by the commission);
- Approve changes in admissions policies of the University of California and the California State University and Colleges and of individual campuses within those segments. (The Legislature shall assume control over admissions policies of all segments and delegate this control to the commission);
- Develop criteria for evaluating the effectiveness of all aspects of postsecondary education. Insofar as possible, evaluation criteria shall be based upon qualitative and quantitative programmatic outcomes.

The commission shall be designated the "State Postsecondary Education Commission" under Section 1202 of the Education Amendments of 1972.

The commission shall be designated as the agency responsible for fiscal management and administration of federal aid for community colleges and occupational education under Section 1055 of the Education Amendments of 1972.

Admission and access. Each segment of California public higher education shall approximate the general ethnic, sexual, and economic composition of the state by 1980.

The State shall establish on an experimental basis (piloted for five years) independent postsecondary counseling centers in several urban areas.

Interinstitutional cooperation. The Postsecondary Education Commission shall prepare and transmit to the Legislature a plan for establishing regional councils throughout the state. Each council shall be composed of community representatives and representatives of each institution within the region. The regional councils shall promote interinstitutional cooperation and comprehensive regional planning. Specific functions shall include determining total demand, present and projected, for postsecondary education in each region; determining availability of public and private resources to meet demands for postsecondary education; finding methods for effectively utilizing or increasing educational resources; developing policies and procedures for the cross-registration of students and sharing of faculty and facilities.

Regional planning shall have high priority in the use of federal grants for comprehensive statewide planning.

Off-campus education programs. The state shall establish a fourth segment of California postsecondary education. This segment will consist of a minimum of administrative staff and faculty and have no campuses. Its responsibilities shall include:

- Developing and submitting to the Postsecondary Education Commission and the Legislature a state plan for extended forms of higher education to coordinate the segmental efforts, statewide and regional, with the regional councils, provide mechanisms to develop new programs when there are needs unmet by the other statewide segments, and establish policies and procedures in such areas as financial aids.
- Awarding credits on the basis of experiential learning and equivalency tests.
- Maintaining a credit bank for persons who accumulate academic credit through several channels: postsecondary institutions, work experience, tests.
- Awarding degrees.

Student aid and fees. The Legislature shall assume jurisdiction over all student charges in the public segments. Allocation bases shall be established as follows for state student financial aids programs:

- The State Scholarship Program shall be funded at a level of 5 percent of high school graduates. This program shall be increased at an annual rate of .5 percent until the 5 percent level is achieved.
- The College Opportunity Grants Program shall be funded at a level of 1 percent of high school graduates.
- The Educational Opportunity Program shall be funded at a level of 5 percent of total time equivalent and average daily attendance, excluding adult education, and at an average of $500 per award.
- The Occupational Education Training Grant Program shall be funded at a level of .5 percent of high school graduates.
- The Graduate Fellowship Program shall be fully funded at the currently authorized level of 2 percent of AB degrees and recipients shall be limited to four renewals.
- No funds shall be expended for state scholarships or college opportunity grants until the economic opportunity programs are funded at the prescribed basis of support.

The Legislature shall fund the above programs jointly. Funds for these programs shall be appropriated to the State Scholarship and Loan Commission. Funds derived from tuition and other student charges shall not be used for the financing of construction of physical facilities for instructional purposes. The state shall make every effort to achieve parity in faculty compensation between the University of California and the California State University and Colleges.

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not be popular with many leaders in the California higher education community," the committee says it decided to make this recommendation because it found California to be lagging behind other states in making off-campus educational services available to all adults, because existing faculties do not appear to be very interested in innovation in this area, and because the effort requires the kind of joint planning and coordination that is unusual among the three existing segments. Several other states, including New York and Illinois, have established similar institutions, and the idea has become increasingly popular in California — popular enough, perhaps, for authorization by the Legislature this session, unless there is strong opposition from the University and state college lobbies.

Surprisingly, the committee draft report says very little about financing higher education, other than calling for a substantial expansion of student aid, granting the Legislature jurisdiction over all student fees for public institutions, and giving continuing attention to the financial status of private institutions. At one time, the committee was reported to be considering a recommendation for the adoption of a voucher plan for higher education in California — that is, a system whereby institutions would be funded through standard payments to students who could use those payments, or vouchers, whenever they pleased. If so, it has apparently dropped this plan. The committee says that it has decided to propose "no fundamental alterations in pricing or budgeting at this time", largely because of continuing uncertainties as to federal policies and pending court decisions on tuition and community college support (namely the *Serrano* case).

Select committee study

Meanwhile, the Coordinating Council has completed its study of the 58 recommendations submitted to it in November by the Select Committee on the Master Plan (see *California Journal*, December 1972, p. 363). The select committee's report will now go to the Governor and the Legislature for whatever use they wish to make of it. In general, the council found little to quarrel with in the select committee's report. This is not surprising since the report recommended few important changes in the existing structure and function of higher education in California. The council rejected a recommendation that terms of office of the members of the governing boards of all three public segments be set at 12 years, but primarily on the ground that this is a matter for the Legislature to decide. Also rejected were recommendations that tuition and other student-fee income not be used for financing construction of instructional facilities and that the state pay the basic administrative costs of UC and CSUC extension programs, with additional support based upon advance program review.

The council staff is now to draft a new Master Plan for Higher Education based upon these recommendations, together with proposals to be submitted to the Governor and Legislature on changes that should be made in the 1960 Donahoe Act, which put into statute several of the recommendations of the first master plan. It is probable, however, that this will not be done until the Legislature's Joint Committee on the Master Plan completes its report and the two sets of recommendations can be compared in their final forms.

Recent Supreme Court

The following are the more significant of the California Supreme Court decisions announced in January and February.

Small Claims Appeal Deposit

On January 16th, a unanimous court ruled that a losing defendant in small claims court cannot be required to file a bond or deposit in the amount of the judgment against him in order to be eligible to appeal to the superior court. The decision, written by Justice Raymond L. Sullivan, stated, in effect, that a small claims defendant may now appeal upon payment of the filing fee without also paying a deposit equal to the judgment against him. The plaintiff in a small claims case may not appeal if he loses (having chosen that court), but if the defendant loses, he may appeal and obtain a new trial in superior court. Until this decision, however, state law, now declared unconstitutional, required the appellant to also file a deposit or bond in the amount of the judgment, interest, court costs, and a $15 attorney fee.

In making its decision, the court followed a 1969 decision of the U.S. Supreme Court to the effect that the garnishing of wages before a judgment violated due process. The court in its decision pointed out that the defendant's first opportunity to be assisted by counsel occurs at the superior court level, and to restrict that opportunity to those who can make a deposit equal to the judgment against them restricts their right to counsel and due process.

Personal Injury Cross-Complaints

In a 5 to 1 decision written by Justice Stanley Mosk and announced on January 23rd, the California Supreme Court ruled that if an insurance company pays a policyholder's claim for an accident involving an uninsured motorist and, between one and three years after the accident, sues the uninsured motorist for that claim, the defendant still has the right to cross-complain for his or her personal injuries. Thus the court said that although a personal injury lawsuit must ordinarily be brought within one year of the accident, an insurance carrier may not deny an uninsured motorist the right to counter-sue by delaying its suit beyond one year. Under the insurance code, insurance companies have three years to step into the insured person's shoes and sue the uninsured motorist.

Justice Raymond L. Sullivan dissented, stating that the majority had wrongly ruled on the intent of the law, avoiding the constitutional questions of equal protection and right of access to the courts, and that the court was wrong in failing to consider the constitutionality of the law.

Oral Will Agreement

The Supreme Court, in a decision written by Justice Louis H. Burke, unanimously affirmed a superior court

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decision enforcing the terms of an oral agreement between husband and wife that whoever survived would leave all property to their children. In the case in question, the husband and wife had made an oral contract that the survivor would leave all their property to the children. When the husband died following the wife's death, however, it was found that he had written a will leaving three-quarters of their property to others. The children sued, and the trial court awarded the children the entire estate, largely on the testimony of a maid who said she heard the husband acknowledge the contract with his wife. The Supreme Court upheld this decision agreeing that the contract was enforceable even though not in writing.

State Billboard Regulation

General law cities have the authority to regulate the location of signs and billboards along freeways without being concerned about compliance with state laws regarding the adoption of zoning ordinances. This was the unanimous decision of the court in an opinion written by Associate Justice Louis H. Burke and announced February 6th.

The case concerned a 1965 ordinance enacted by the city of Escondido prohibiting advertising signs and structures adjacent to freeways. The defendants, property owners and an outdoor advertising company, argued that this violated state law requiring the following of state prescribed zoning procedures before regulating land use. The Supreme Court agreed with the trial court, however, saying that cities have the general police power to regulate outdoor advertising and that because the Escondido ordinance was very narrowly drawn to cover only advertising along freeways, it did not have so substantial an impact on land use as to require compliance with state zoning laws.

Mentally Incompetent Criminal Defendants

On February 7th, the court ruled unanimously that a person charged with a criminal offense but committed to a state hospital because of mental incapacity to stand trial may only be confined for the period required to determine whether he is likely to recover in the near future. The decision, written by Justice Burke, complied with a recent US Supreme Court decision aimed at protecting such defendants from indefinite commitment. The court upheld trial-court actions in three cases as to their authority, under state law, to commit criminal defendants determined to be unable to understand the nature of the proceedings against them or to conduct a rational defense. But the court said that the defendants' rights would be violated if they were held in state hospitals indefinitely. Unless there is a showing of probable recovery within a reasonable time, the court said, a defendant in this situation either must be released or, if believed to be dangerous to himself or others, committed under ordinary civil commitment procedures.

Examination of Jurors

Penal Code section 1078 states that "it shall be the duty of the trial court to examine the prospective jurors to select a fair and impartial jury. He shall permit reasonable examination of prospective jurors by counsel for the people and for the defendant." To the attorney for one John Crowe, a defendant in a burglary case, this meant that he should have had an opportunity to question jurors himself in the juror-selection process. However, the Supreme Court ruled 5 to 1 on February 8th that under *voir dire* (juror examination) procedures adopted in 1971, the trial court judge may conduct the examination himself with the attorneys' role limited to submitting proposed questions.

Juror examination by the trial court judge, a practice first adopted by the federal courts and now followed in many other states, significantly reduces the time consumed in selecting a jury, prevents attorneys from misusing the questioning procedure to influence jurors, and permits the trial court to screen out improper questions, according to the court. A "reasonable examination", as required by the Penal Code, can include a procedure by which counsel submits questions to the judge, who, in turn, renders them to the prospective jurors.

Justice Stanley Mosk dissented strongly, saying that by "paying obeisance to the gods of expediency and temporal economy, the people would reduce jury selection in criminal cases to a wooden process, ritualistic in form, ineffectual in practice, haphazard in result." Mosk argued that the Legislature clearly intended to give counsel an opportunity to question prospective jurors directly and that only through skillful questioning by an attorney can the latent prejudices and biases of jurors be uncovered.

Guest Law Unconstitutional

California's 44-year-old "automobile guest statute" was ruled in a unanimous decision published February 20th to be an unconstitutional denial of equal protection of the laws. The law provides that nonpaying automobile passengers may not recover for injuries received as a result of the negligence of the driver, although paying passengers can. The court, in an opinion written by Justice Mathew O. Tobriner, concluded that there is no reason to deal more harshly with "guests" in an automobile than paying passengers.

In arriving at its decision, the court noted that the "protection of hospitality" concept that had been advanced in support of the law was applied only to automobile guests and to no others. The court also noted that the development of nearly universal liability insurance destroyed any rational relationship between the prevention of lawsuits and the protection of hospitality, and that there can be little notion of ingratitude in suing your host's insurer. These and other considerations led the court to strike down the automobile guest law, removing the distinction between the paying and nonpaying passenger.

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California Journal/*NEWSBRIEFS*

State proposes merger of correction services and shift to counties

The California Youth Authority and the Department of Corrections would merge into a new state Department of Correctional Services under a plan outlined February 27th by the Reagan Administration. The proposal, which Senator Craig Biddle said he will introduce as legislation this month, would also create a California Parole Authority to replace the separate authorities that now handle parole for men, women, and juveniles. At the same time, felons under age 18 would be separated from older criminals, and other youthful offenders would be returned to their home counties, Biddle said, on the theory that chances of rehabilitation improve if a youth is kept from hardened criminals and placed near home and family.

The new Department of Correctional Services would establish and enforce standards for both state and local correctional programs. The state would provide funds and technical assistance to the counties for taking on the new financial burden. State aid would include grants for each juvenile offender remanded to the counties, 90 per cent subsidies for improving local facilities, and matching funds for new construction, according to Earl Brian, secretary of the Health and Welfare Agency, which administers the present Department of Corrections and CYA. The state would make $10 million available immediately to help counties meet the cost of improving and enlarging detention facilities, he added.

The reorganization would result in some staff reassignment on the state level, Brian said, but there would be no layoffs of state employees. On the other hand, correctional staffs in the counties would probably be increased.

Brown seeks to compel full disclosure of all campaign contributions

Secretary of State Edmund G. Brown Jr. proposed legislation last month that would, he predicted, force full disclosure of political candidates of the sources of their campaign funds. "The voters are fed up with backroom politics," Brown said. "This new law would absolutely end secret political fund-raising and secret slush funds."

It would do so, he explained, by requiring candidates to list the names, business and residential addresses, and occupations of all who contribute more than $50 to their campaigns. Anonymous contributions over that amount would go to the state's General Fund, Brown said. In addition, lobbyists would have to list on whose behalf they made contributions, and candidates and office-holders alike would have to report their financial activity every six months to prevent the accumulation of undivulged sizeable bank accounts. The Franchise Tax Board would audit the campaign reports, Brown explained. The Attorney General and local district attorneys could initiate misdemeanor prosecutions against violators with penalties running to one year in jail and fines of $1,000.

"Eighty years ago," Brown said in announcing the proposed legislation on St. Valentine's Day, "our state Legislature passed a law requiring candidates for public office to disclose the source of campaign funds. The law has been amended several times, but it is still so riddled with loopholes and ambiguities that the law itself is a virtual invitation to corruption." Brown was back in the news a few days later to say that he would also seek legislation to require lobbyists to report not only how and why they spend money but "which elected official they took out to lunch and where they took him".

Democrats retain 22nd Senate district seat

On February 27th, Democrats staved off any immediate prospect of Republicans gaining a majority in the state Senate when Democrat Alan Robbins won election in the 22nd Senatorial District. The special election, which was called to fill the vacancy created by the death of Senator Tom Carrell, gave the Democrats a momentary 20-19 edge in the Senate. Robbins, an attorney, won the 22nd District seat, which is in the San Fernando Valley area of Los Angeles County, with 41,395 (50.3%) votes to 37,348 (45.4%) for Councilman Phillip Johnson. Andres R. Torres of La Raza Unida Party received 2,636 votes (3.2%), and the Peace and Freedom Party candidate Paula Marsh, received 836 votes (1.0%).

Another special election, this time in the 50 per cent Republican 38 district in northern San Diego County, is likely to even the score again at 20-20 either on March 6th or in the runoff on April 3rd, but Democrats are working feverishly to produce an upset.

Post-election purge *drops 1.8 million from* the state's voter rolls

More than 1.8 million Californians were removed from voter rolls for failing to cast ballots in last November's election, the Secretary of State's Office reported last month. With 1,862,870 voters purged, the state's registered electorate totals 8,603,345, which means that 82.2 per cent of the registered voters turned out November 7th.

Those dropped from the rolls included 25 per cent of those who had registered as "decline to state" affiliation with a political party, 19 per cent of registered Democrats, and 14 per cent of registered Republicans. The Peace and Freedom Party lost more than 40 per cent of its registered members by their failure to vote.

State law considers the act of voting to constitute registration for the next general election. Those dropped for not voting have been sent postcards to simplify their return to the voter rolls, or they can reregister at their county clerk's office.

State proposes new agency to regulate hospital plans and prices

The rates hospitals charge, as well as the location of future health-care facilities, would be regulated by a new state agency similar to the Public Utilities Commission, under a bipartisan proposal made public last month. Dr. Earl W. Brian, secretary of the state Health and Welfare Agency, joined Senator Anthony C. Beilenson,

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chairman of the Senate Health and Welfare Committee, to reveal the proposal on February 13th, and Governor Reagan followed this up on the 26th by outlining it in a message to the Legislature titled, "A Healthier California".

Under the proposal, a state advisory body, the California Hospital Commission, would be replaced by the California Health Facilities Commission, whose membership would combine private citizens and health professionals. The commission would approve or disapprove construction plans for health facilities and regulate the rates charged for the health-care services they provide. All health licensing functions, presently scattered in several departments, would be consolidated in the new Department of Health. "This legislative proposal," Reagan told the Legislature, "although far-reaching in its implications, will not impose another set of controls on the private practice of health-care professionals. It will consolidate and simplify existing regulatory programs." He also announced that Republican Frank Lanterman would co-author the legislation with Democrat Beilenson.

Appeal court upholds ruling that 1970 cuts in Medi-Cal were illegal

The State Court of Appeal on February 20th upheld a 1971 ruling by a lower court that 10 per cent cuts made in the state's Medi-Cal services were illegal. Health and Welfare Secretary Earl W. Brian, then the director of health care services, had ordered the cuts in December 1970, saying that the program was running a substantial deficit at the time and that state law compelled him to cut back medical services in such a circumstance (a charge that was disputed at the time by the Legislative Analyst among others).

Brian's successor, Dwight Geduldig, plans to seek a rehearing. Three counties — Sacramento, Alameda, and San Mateo — have suits pending against the state for a total of about $500 million, seeking reimbursement from the state for services they had to finance because of Brian's cutback, which lasted six and a half months until the start of the 1971-72 fiscal year.

Volunteers begin pollution watch over San Francisco Bay

A volunteer corps of aviators and observers began daily flights over San Francisco Bay March 1st to watch for polluters. The bay patrols, sponsored by the Oceanic Society, a nonprofit conservationist organization with about 600 members, are intended to fill a gap between antipollution laws and their enforcement. The society's air-watch teams will comprise a pilot and an observer equipped with tape recorders and cameras to document infractions of state and federal pollution laws, which will be reported to the Coast Guard for on-the-spot investigation. By the end of the year, said Larry Colvin, an airline pilot who volunteered to organize the patrol, the society expects to have a roster of 300 volunteers, pilots and observers, and a pool of 200 aircraft. This will provide a capability of conducting an average of seven flights a day over 450 square miles of bay, coastline, and delta land.

The society has been conducting boat patrols for some time, and also expects to bring divers into the program in the near future, according to Clark Cameron, the society's director of conservation patrols, who adds that volunteers are still welcome.

Air resources board wants mechanics to tune out smog in cars

The State Air Resources Board asked the Legislature last month to pass a law to require mechanics to tune internal-combustion engines for minimum smog production instead of maximum performance. In its fifth annual report, the board states its policy to be "that measures be taken to reduce air emissions control devices."

The board also approved an exhaust-control device produced by the STP Co. for use on small foreign-made cars built between 1966 and 1970. For lack of such a device, such cars were exempted from regulations the board adopted earlier requiring installation of antismog devices in 1966-70 American cars. The order is contingent upon the widespread availability of the STP devices, which will cost about $35. This is a matter of several months, according to a spokesman for the board.

Under state antismog laws, all American-made 1966-70 automobiles must have the devices installed by April 1974 under a schedule that began in southern California last month by requiring installation of the devices on cars before they can be sold. Starting in July, carowners must install the device whether or not they are selling their cars, with full compliance statewide scheduled for April 1974.

PUC approves PSA's purchase of 81% of Air California stock

The California Public Utilities Commission approved Pacific Southwest Airlines' purchase of 81 per cent of the stock of Air California, one of PSA's competitors in the lucrative Los Angeles-to-San Francisco flights. The U.S. Department of Justice considers the merger as encouragement of a monopoly situation, and has filed suit in Los Angeles to halt it. The PUC decision, made on February 23rd, becomes effective March 15th.

Coupled with the PUC's approval was an order to trim fares on 13 Air California passenger flights, while permitting Air California to drop four San Diego-Santa Ana flights and PSA to eliminate two flights between Burbank and San Diego. PSA was also ordered to add two nonstop flights daily between Oakland and San Diego, and to double its two daily flights between San Jose and Santa Ana.

Under the merger plan approved by the PUC, PSA will pay $10,887,664 for the Air California stock owned by Westgate-California Corp., a San Diego firm. The PUC conceded that the merger might "restrain competition" but judged that "the degree of this restraint does not appear to us to be unreasonable."

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University Extension Offers Government-Related Courses

As a service to our Sacramento area readers, listed below are extension courses in government-related subjects to be offered this spring by the University of California, Davis, Extension Office, where further details can be obtained.

Preparation of Environmental Impact Statements X418.4

Martha Mullin, M.A., extension instructor, UCD — Designed for professional environmentalists responsible for preparing environmental impact statements under new federal and state requirements.

Sacramento: Room 133, Resources Building, 1416 9th St.; Monday, 2-5 p.m.; April 2-June 11; 10 meetings; $47. Three quarter-units of credit.

Program Analysis X115.3

Lon Spahrler, M.S., supervisor of project coordination, state Department of Parks and Recreation — Study will be directed to the methodology, application and limitation of various types of analysis to public programs, using an essentially non-mathematical approach.

Broderick: Management Development Institute, G St. adjacent to Marina Inn; Monday, 5:30-8:30 p.m.; April 2-June 11; 10 meetings; $75. Prerequisites: Introduction to Program Management, Program Planning and Budgeting, or consent of instructor. Enrollment limited.

Management Decisions in Natural Resources Administration X418.3

Peter Richerson, Ph.D., and Bob Johnson, M.A., assistant professors, Division of Environmental Studies UCD — This workshop explores the complex patterns of resource management decisions, designed to assist participants in effective implementation of resource policies, developing awareness of "user-public" needs, attitudes, values and behaviors; and refining concepts, perceptions, and tools appropriate to public-resource management.

Davis: Orchard and Walnut Rooms, Mini-center, Hutchison Drive, UCD Monday-Saturday, 8 a.m.-5 p.m.; March 12-17; 6 meetings; $200. Enrollment limited.

Policy Analysis and Evaluative Research X460.3

Burt R. Cohen, M.A., associate management auditor; G. Frederick Thompson, Ph.D., assistant management auditor, state Department of Finance — The application of contemporary social science to important policy questions to enable students to evaluate the goals of policy analysis — efficiency and rationality — in terms of the inefficiency and rationality of public programs.

Sacramento: Room 400, Franchise Tax Building, 1025 P St.; Monday, 5:30-8:30 p.m.; March 26-June 4; 10 meetings; $47 credit, $42 non-credit. Prerequisites: elementary microeconomics, and statistics. Enrollment limited.

Applied Operations Research X110.3

Kenneth M. Hall, M.S., operations research specialist, state Department of General Services — Designed for professionals who want an up-to-date treatment of operations research.

Davis: Redwood Room, Mini-center, Hutchison Drive, UCD; Thursday, 7-10 p.m.; April 5-June 7; 10 meetings; $75. Prerequisites: Mathematics for Management I or consent. Enrollment limited.

Introduction to Program Management X115.1

Raymond S. Long, M.A., deputy director, Department of Food and Agriculture — Program management will be in terms of productivity, behavior, rationalistic-model, and institutionality.

Broderick: Room C, Management Development Institute, G St. adjacent to Marina Inn; Tuesday, 5:30-8:30 p.m.; April 3-June 5; 10 meetings; $75. Prerequisite: Three years' experience on a government program, or consent. Enrollment limited.

Labor Relations in the Public Sector X456.2

Martin Morgenstern, B.A., chief negotiator, Calif-for State Employees Association — An examination of California's public employee organizations and the state's public employers, designed to enhance the historical and social perspective, knowledge, insights, and skills and abilities of those involved in public employee labor problems.

Sacramento: Room 7, McClatchy High School, 3066 Freeport; Wednesday, 5:30-8:30 p.m.; April 4-June 6; 10 meetings; $47 credit, $42 non-credit. Enrollment limited.

Designing Affirmative Action Programs for Women X410.3

Joan Poulos, J.D., special assistant to the vice-chancellor for affirmative action, UCD; Cristy Jensen, B.A., personnel analyst, UCD; Sandra McCubbin, B.S., coordinator, Women's Center, UCD — Survey of the legal background of affirmative action plans, federal standards and guidelines, and recommended approaches for developing effective and workable programs.

Sacramento: Room 1131, Water Resources Building, 1416 9th St.; Thursday, 9 a.m.-5 p.m.; May 10, 24. Stockton: Pilgrim Hall, Congregational Church, Madison and Willows; Thursday, 9 a.m.-5 p.m.; May 17, 31.

Systems Analysis for Management X116.1

Jack W. LaPatra, Ph.D., associate professor of electrical engineering and community health, UCD — Designed for analysts, managers, engineers and programmers, this course's major topics include systems methodologies, marginal analysis, linear programming models, sensitivity analysis, decision-making models, evaluation methodologies, simulation.

Sacramento: Room 305, Water Resources Building, 1416 9th St.; Tuesday, 3-5 p.m.; April 3-June 5; 10 meetings; $65. Prerequisite: college level mathematics. Enrollment limited.

Seminar in Program Management X115.6

Charles W. Moss, B.S., assistant executive secretary, Commission on Teacher Preparation and Licensing — The seminar will use case study with some management games and very little lecture.

Sacramento: Community Service Room, Bank of America Building, 8th and I Sts.; Monday, 5:30-8:30 p.m.; April 2-June 11; 10 meetings; $75. Prerequisites: completion of five preceding courses in series. Enrollment limited.

Manpower: Administration and Policy X460.2

James W. Connor, B.S., chief of planning division, state Department of Human Resources Development — Historical and administrative development of the federal-state employment service and other agencies involved in job training, placement and development.

Sacramento: Room 760, Department of Corrections, 714 P St.; Wednesday, 3-6 p.m.; April 4-June 6; 10 meetings; $60. Enrollment limited.

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The Untold Story of How Columbus Came to California

By JAMES DUFUR

"I don't have to tell you the name of the fella in this statue behind me," comments the guide to a group of tourists in the capitol rotunda. Everyone knew it was Christopher Columbus, but before anyone could ask why a statue of an explorer who sailed the Atlantic should have been anchored to the choicest spot in the capitol of a state watered by the Pacific, the guide continues. "This was carved by an American sculptor in Italy from one solid piece of marble. It was bought by a wealthy Sacramento banker, who gave it to the people of California . . ."

The statue, which shows Queen Isabella giving some of her jewels to Columbus to help finance his quest to the New World, has been in the rotunda since 1883. According to the *California Blue Book of 1909*, banker D. O. Mills bought the statue from a Mrs. Legrande Lockwood of New York in 1882 for $30,000 as a present for the State of California.

"There is no doubt in my mind," says Frank Christy, a former Grand Historian of the Native Sons of the Golden West, "that the Legislature should have put some California figure or scene in there if they were going to utilize that space — and I know a lot of the Native Sons feel the same way. I would not go so far as to say they should replace it with another statue, but since 1883 it seems they could have found a better location for it. No question but that it is a work of art, but it belongs in a museum, and the rotunda of the capitol is not a museum."

Legislature wasn't consulted

Apparently, the Legislature was never consulted about placing the statue in the rotunda. Dr. W. N. Davis Jr., chief of archives in the Secretary of State's Office, says he knows of no official document authorizing its placement there. A check of the minutes of the meetings of the Capitol Commissioners, who were charged with overseeing the capitol and its grounds, is similarly unrewarding. But the *Blue Book*, prepared by Charles Forrest Curry, who was Secretary of State at the time, reports that Mills informally offered the statue to the state and "upon assurance of its acceptance" shipped it from Italy to Sacramento. Curry, who died in 1930, didn't say who assured Mills, but presumably it was George Stoneman, who was Governor then. In any case, when Stoneman gratefully accepted the statue on the afternoon of December 22nd, 1882, he went on to say that "it is to be regretted that, in our state, public spirit does not oftener go hand in hand with financial success and that the executive is not more frequently called upon to render thanks in the name of the commonwealth on similar occasions."

Though Christy takes exception to the placement of the Columbus statue, not all experts in California history join him, of course. Allan R. Ottley, head librarian in the California Section of the State Library, believes it to be "very suitably located". When Edgar Mills presented the statue on behalf of his brother, who had moved to New York City, Ottley recalls, he observed that "California, more than any other state in the American Union, fulfills Columbus' visions of marvelous lands beyond the setting sun."

Walter C. Frame, presently Vice Chairman of the California Heritage Preservation Commission and a past president of the Conference of California Historical Societies, theorizes that Mills, whose estate on the San Francisco Peninsula was well stocked with statuary, considered the Columbus to be surplus. Historical society members have discussed seeking a new site for the statue to make room for a display of historic state documents, Frame says, but decided that to do so would "stir a hornet's nest" and that, therefore, "discretion is the better part of valor". Sacramento Municipal Court Judge Peter Mannino, who is close to the Sons of Italy, tends to confirm Frame's concern. Any such move, Mannino predicts, would bring civil war and the Sons would "go crazy and berserk". Apparently convinced of such sentiments, Frame concludes that "the statue will be there till the end of time".

More lasting than snow

The statue, carved out of white Carrara marble, was executed by Larkin Goldsmith Meade, who first gained fame of a sort when he carved an angel out of ice and snow in Brattleboro, Vt., while home from college during Christmas holiday. The resulting publicity brought Meade an offer to make a statue that wouldn't melt. He tried marble, and his Columbus and Isabella was completed in Florence, Italy, some time between 1868 and 1874. (Later, Meade created the sculpture for the Lincoln Memorial in Springfield, Ill., and assisted with the Washington Monument in the nation's capital.)

The statue arrived in Sacramento in the summer of 1883, but lay in packing crates at the railway depot for some weeks. This apparently created concern in some quarters over just what the crates would yield, since, as one newspaper pointed out, the statue "has never been seen by anyone in the city, and no questions appear to have been asked when it was presented." Once the casing was removed, however, all skepticism seemingly evaporated, and a reporter concluded his description of Meade's work by pronouncing it "a fine present of which California may well be proud."

Annual rites continue

Banker Mills had no doubts over Columbus' right to star billing in California. "The rotunda . . . is an appropriate place for a work of art commemorating an event that has had so great an influence on the destinies of our western world," he said through his brother, Edgar, at the unveiling ceremony.

Appropriate or not, each Columbus Day the Sons of Italy gather around the statue to pay homage to their navigating countryman by leaving a wreath of flowers. In 1972, however, the ceremony actually preceded Columbus Day, October 12th, and was celebrated in California on Monday the 9th — in respect not to Columbus' adventure but to a long weekend for state and federal workers. And the flowers were artificial.

James Dufur is a veteran capitol correspondent.

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PEOPLE IN THE NEWS

Assemblyman Larry E. Townsend, chairman of the Transportation Committee, died in a Sacramento hospital March 6th, apparently of a heart attack. He was 42. An aide said Townsend had a history of heart trouble, suffered at least one previous attack, and underwent heart surgery two years ago. The death of Townsend, who was first elected in 1966, left the Assembly with 49 Democrats and 29 Republicans and two vacancies, the other being that left by the death December 6th of Carley V. Porter. A special election will be held May 1st to name Porter's successor.

The State Commission on Judicial Appointments approved by a 2-1 vote March 3rd Governor Reagan's appointment of **William P. Clark Jr.** as a Justice of the California Supreme Court, following a special hearing on his qualifications. The dissenting vote was cast by Chief Justice Donald R. Wright, whom Reagan had appointed to the court in 1970. "I am of the opinion," Wright said in dissenting, "that as of now he is not qualified by education, training, and experience to be confirmed as an Associate Justice of the Supreme Court." Attorney General Evelle J. Younger and Justice Parker Wood, presiding senior justice of the Second District Court of Appeal, disagreed, however, and voted for Clark's confirmation. Reagan's appointment of Clark to replace Justice Raymond E. Peters, who died January 2nd at age 69, stirred a controversy because Clark had dropped out of both Stanford and Loyola Universities because of poor grades, failing to receive either a college degree, or a law degree and then failed the State Bar examination on his first try, though he passed it on the second. Clark was Reagan's executive secretary before the Governor appointed him to the San Luis Obispo County Superior Court bench nearly four years ago. Reagan later named him to the Court of Appeal, a nomination that Wright approved.

Edgar M. Gillenwaters, 40, one of Governor Reagan's first appointees in 1966, resigned last month as director of the state Department of Commerce. A former deputy director of the Department of Finance and assistant to the governor for intergovernmental relations, Gillenwaters has headed the Department of Commerce since 1971. He is leaving state service to become vice president and director of a new nonprofit foundation that will specialize in the prevention and treatment of athletic-related injuries. Succeeding Gillenwaters is **John K. Geoghegan,** 39, executive secretary of the California Commission for Economic Development since April 1972. Geoghegan, former city manager of Union City, joined the state government in February 1970 as executive secretary of the Environmental Quality Study Council.

Following the resignation of state Housing Director Donald F. Pinkerton (see **California Journal,** February 1973, p. 75), the Governor named **Robert J. De Monte,** 30, to the vacant post. A Republican, De Monte served as chief deputy director of the Department of General Services since September 1971. Prior to that time, he was a certified public accountant in Oakland.

Morris E. Currey's friendship with a convicted felon who took advantage of that friendship prompted Currey to resign his position as Lieutenant Governor Reinecke's executive assistant, a post he has held since mid-1972. Currey submitted his resignation to Reinecke the day after the **Los Angeles Times** reported that he had helped a friend, Jerome Pierce, obtain a police badge and identification, and a permit to carry a concealed weapon in violation of state law. Pierce subsequently used his police credentials to arrest a former girlfriend and her boyfriend on charges that have since been dropped. The couple filed a $2.5 million damage claim, naming Reinecke and Currey, among others. Currey asked the Lieutenant Governor to accept his resignation "to demonstrate that you had no knowledge of these activities, nor any connection with this man, and to protect your name from false speculaion in this regard." Reinecke did so, saying that it was "in the best interest of the office and the administration."

Last month, Reagan appointed **Wallace D. Maughan** to the Water Resources Control Board, replacing **Edward F. Dibble,** whose four-year term on the board has expired. Dibble came under fire in January 1972 while serving as acting chairman of the board when he disclosed that he ran a private consulting business whose clients included water agencies. Maughan is a former executive director of the federal Water Resources Council in Washington, D.C. The Governor also named Jean Auer of San Francisco to the five-member board.

John C. Worsley, 53, has been appointed to succeed Fred E. Hummel as State Architect (see **California Journal,** January 1973, p. 34). Worsley owns an architectural firm in Menlo Park and is a senior lecturer in architecture at Stanford University.

On March 1st, Governor Reagan announced that he had accepted **Robert B. Carleson's** resignation as director of the state Department of Social Welfare. Carleson, 42, is leaving California to become special assistant for welfare matters to Caspar Weinberger, Secretary of the Department of Health, Education, and Welfare in Washington, D.C. As HEW's chief advisor on welfare policy, Carleson will work with governors, state legislatures, and welfare directors in reforming welfare at the state level. His duties will also include assisting the states in moving the aged, blind, and disabled recipients from a state to a federal welfare system as recently required by congressional action (H.R. 1).

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Selected State Government Reports

HIGHER EDUCATION

Blacks and Public Higher Education in California; prepared for the Joint Committee on the Master Plan for Higher Education by the Nairobi Research Institute. February 1973. 103 p. Single copies available free from the Joint Committee on the Master Plan for Higher Education, Assembly P.O. Box 83, State Capito , Sacramento 95814.

Chicanos and Public Higher Education in California; by Ronald W. Lopez and Darryl D. Enos for the Joint Committee on the Master Plan for Higher Education. February 1973. 85 p. plus appendices. Single copies available free from the Joint Committee on the Master Plan, Assembly P.O. Box 83, State Capitol, Sacramento 95814.

Asian-Americans and Public Higher Education in California; prepared for the Joint Committee on the Master Plan by Robert B. Yoshioka, coordinator, and others. February 1973. 152 p. Single copies available free from the Joint Committee on the Master Plan, Assembly P.O. Box 83, State Capitol, Sacramento 95814.

Graduate Education in California; prepared by Lewis B. Mayhew for the Joint Committee on the Master Plan for Higher Education, Assembly P.O. Box 83, State Capitol, Sacramento 95814. (No charge.) March 1973. 51 p.

LEGISLATURE

The Legislative Auditor; prepared by George A. Bell and Paul Hibberd, The Council of State Governments, Iron Works Pike, Lexington, Ky. 40505. ($2.00) January 1973. 27 p. Describes the transformation of the audit function in state government.

Reapportionment: Law, Politics, Computers; by Terry B. O'Rourke. Published by the American Enterprise Institute for Public Policy Research, 1150 17th St., N.W., Washington, D.C. 20036. ($3.00) February 1973. 111 p.

Reapportionment in the Seventies; prepared by the Council of State Government, Iron Works Pike, Lexington, Ky., 40505. ($3.00) January 1973. 33 p. Summarizes state reapportionment activities since 1970, examines significant issues that courts were compelled to decide, and indicates the direction and volume of anticipated reapportionment activity.

National Legislative Conference, Intergovernmental Relations Committee Policy Positions and Final Report; published by the National Legislative Conference, 1150 17th St., N.W., Washington, D.C. 20036. August 1972. 53 p. Includes reports of the various task forces of the Intergovernmental Relations Committee.

MISCELLANEOUS

The Desirability of a Correctional Ombudsman; by Timothy L. Fitzharris, Executive Officer, California Probation, Parole and Correctional Association. Published by the Institute of Governmental Studies, University of California, Berkeley 94720. ($3.00) 1973. 114 p.

1972 Annual Report of the California Council on Criminal Justice; by the California Council on Criminal Justice, 7171 Bowling Drive, Sacramento 95823. January 1973. 108 p. Available free in limited quantities.

1972 Annual Report of the California Law Revision Commission, School of Law, Stanford University, Stanford 94305. December 1972. 31 p.

Moving in California: A Hard Way to Go; prepared by Philip E. Decker for the Public Interest Research Center, 2313 Warring St., Berkeley 94704. ($8.50) December 1972. 167 p. Explores the nature and extent of alleged abuses in the household goods moving industry.

State Scenic Highway System Progress Report, 1972; by the Department of Public Works, 1120 N Street, Sacramento 95814. (No charge) January 1973. Includes recommendations of the Scenic Highway Advisory Committee.

Transcript of Hearing of Assembly Interim Committee on Judiciary on Landlord-Tenant Law; released by the Assembly Judiciary Committee. February 1973. 115 p. plus attachments and written statements. Hearing held October 12-13, 1972 in Los Angeles. Available for $6.50 from Assembly Rules Committee, State Capitol, Sacramento 95814.

The Review of the California Comprehensive Ocean Area Plan; by the California Advisory Commission on Marine and Coastal Resources, 714 P St., Room 770, Sacramento 95814. (No charge.) December 1972, released February 1973. 141 p.

Program of the Business and Industry Development Division; prepared by the Department of Commerce, 1400 10th Street, Sacramento 95814. (No charge.) January 1973. 6 p. A program, approved by the Commission for Economic Development, designed on the premise that "balanced economic development can be used to a greater degree to help resolve the state's employment, social, environmental, and fiscal problems."

Workmen's Compensation: A Challenge to the States; prepared by the Advisory Committee on Workmen's Compensation Laws of The Council of State Governments, 85 Post Street, San Francisco 94104. ($3.00) February 1973. 23 p.

Gambling: A Source of State Revenue; by Virginia G. Cook, Research Associate, The Council of State Governments, 85 Post Street, San Francisco 94104. ($3.00) January 1973. 37 p. Analyzes experiences in the eight states having lotteries, off-track betting in New York City, and gambling in Nevada.

NOTE: Unless otherwise indicated, reports may be obtained by writing the publisher, state agency, or legislative committee at the given address. Prices are listed when available.

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CALIFORNIA CALENDAR

Meetings of the following state boards, commissions, and councils are listed each month; if one of these is not listed, it can be assumed that it is not scheduled to meet this month. Boards, commissions, and councils to be included are: Board of Education; Board of Equalization; Board of Governors of the California Community Colleges; Board of Trustees of the California State University and Colleges; Consumer Advisory Council; Coordinating Council for Higher Education; Council on Criminal Justice; Highway Commission; Little Hoover Commission; Park and Recreation Commission; Regents of the University of California; and Social Welfare Board.

March 12 **Consumer Advisory Council.** 1020 N St., Rm. 102, Sacramento. 1 p.m. Hearing to analyze moving healing arts bureaus and boards out of Department of Consumer Affairs.

March 13-14 **Highway Commission.** San Diego Gas & Electric Co. Auditorium, 101 Ash St., San Diego. 9 a.m.

March 15-16 **Board of Equalization.** Rm. 1194, State Building, 350 McAllister St., San Francisco. 10 a.m.

March 16 **Little Hoover Commission.** Council Chamber, Anaheim City Hall, 204 E. Lincoln Blvd., Anaheim. 10 a.m. Hearing on the state school building aid program.

March 16 **Regents of the University of California.** *University Extension Center, 55 Laguna St., San Francisco.*

March 22 **Little Hoover Commission.** Rm. 2117, State Capitol, Sacramento, 10 a.m. Hearing on the state school building aid program.

March 22-23 **Social Welfare Board.** Madonna Inn, San Luis Obispo. 7:30 p.m.

March 27-28 **Board of Trustees of the California State University and Colleges.** Third Floor Auditorium, Office of the Chancellor, 5670 Wilshire Blvd., Los Angeles.

March 27-30 **Board of Equalization.** 1020 N St., Sacramento. 2 p.m.

March 29 **Council on Criminal Justice.** Host of Sacramento Airport Hotel.

March 30 **Consumer Advisory Council.** Casa del Prado, Balboa Park, San Diego. 10 a.m. Hearing on consumer problems of the elderly.

April 3 **Coordinating Council for Higher Education.** Camellia Room, Host of Sacramento Airport Hotel. 9 a.m.

Possible runoff election. To fill the 38th state Senatorial District seat vacated by Clair W. Burgener.

April 5-7 **Law Revision Commission.** Administration Building, Los Angeles Airport, 7 p.m. (location tentative.)

April 12-13 **Board of Education.** Resources Building Auditorium, 1416 9th St., Sacramento. 9 a.m.

The following boards and commissions follow a standard monthly schedule and thus are not included in the Calendar: Allocation Board, second Tuesday of each month; Board of Agriculture, first Thursday; *Commission of Housing and Community Development*, third Wednesday of every other month; Lands Commission, last Thursday of each month; Merit Award Board, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Soil Conservation Commission, fourth Tuesday; Transportation Board, first Thursday; Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays. Please contact the agency for meeting time and place.

Cannon *(Continued from page 111)*

once you've got it, all the powers of heaven and hell can't change it. Washington is a city of one-adjective men, branded for life by the press."

There is a lot of truth to this complaint, although it is not the whole truth. Dick Nixon has survived long enough to outlast a few adjectives, and Weinberger has overcome the "liberal Republican" label that kept him from getting an immediate appointment in the Reagan administration. Bob Finch never overcame the same label, and Jack Veneman is still subject to various devil theories both in Washington and Sacramento. The new label in Washington for Weinberger is "Cap the Knife", and it is just as simple-minded as the "liberal Republican" tag it replaced. Weinberger does not like the label, nor its present implication that he lacks compassion for the less fortunate members of society. ". . . No one has a monopoly on warmth or compassion or feeling or concern about the problems the HEW department is concerned with, and our whole hope here is . . . not just to get a better figure on the last line but to eliminate the problems of inflation that come in most serious form to the people who are the beneficiaries of this department," Weinberger said in his acceptance remarks at the swearing-in ceremony.

It was a slightly defensive beginning and not up to Weinberger's best speaking style, but it was probably argument enough. Cap Weinberger has shown before that he can go on from small beginings to do big things. He is clearly on the rise in Washington, and he deserves to be.

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LETTER FROM WASHINGTON
By Lou Cannon

The rise of Caspar Weinberger

February 24, 1973

Caspar Willard Weinberger became President Nixon's third Secretary of Health, Education and Welfare on a sunlit morning in the Western White House before an audience of Californians who share with him both party affiliation and a varied record of political success.

They stood in a line, these Californians, and filed past the President's off-green golf cart into the office where Judge Thomas Caldecott would administer the oath to Weinberger. Governor Ronald Reagan stood at the front, at ten yards distance no older in appearance than when he was first elected in 1966. Alongside Reagan was Bob Finch, who seems much older and heavier than when he went to Washington in 1969 to become Nixon's first HEW secretary. Jack Veneman, inevitably smiling, was there, and so, too, was John Ehrlichman. It is not precise to classify Ehrlichman as a Californian, but he is at least a Westerner and a quondam Californian since his Stanford days.

They all waited, watched by California reporters and reporters who had once been Californians, while the President finished a phone call to a returned prisoner of war. Weinberger attempted a joke, remarking that he was going to make a major effort to hold up his right hand because he had raised his left when he was sworn in as chairman of the Federal Trade Commission. Caldecott smiled. He had once been Weinberger's seatmate when both were members of the state Assembly and Caldecott was chairman of the Ways and Means Committee. When President Nixon entered the room, he remarked that Caldecott had also once been a young Republican, which was true. So had they all, save Ronald Reagan.

* * *

The swearing-in of Caspar Weinberger provided Bob Finch a final moment of association with the Nixon presidency. A decent man whose failures in HEW were well-advertised by the press and by politicians and whose successes as presidential counselor were of necessity unpublicized, Finch leaves Washington under a cloud only partly of his own construction. It was the "liberals" here, both within and without the Republican Party, who built Finch up into some kind of Liberal Saviour that he never said he was and that the Nixon administration turned out not to need. It is difficult to say what, precisely, the many Finch critics in Washington expected of him that he was unable to deliver, but he has become, for better or for worse, a symbol of non-achievement. Politics is cruel to counselors, whose best advice becomes the property of the men to whom they give it.

One of Finch's achievements in the first term was that he brought Jack Veneman into the administration. It proved a benefit for the government and a frustration for Veneman, who served creditably first under Finch and then under Elliot Richardson, and who kept battling for the administration's Family Assistance Plan long after the proposal had lost any chance of becoming law. In Veneman's last year as undersecretary at HEW, the administration's treatment of the Family Assistance Plan was reminiscent of the celebrated Chaplin movies in which the sober, miserly rich man fails on the morning after to recognize the tramp he had befriended as a generous drunk the night before. Nonetheless, Veneman kept trying. He leaves Washington, as he left California, with dignity and with goodwill in both the executive and legislative branches. Outside the Western White House, Veneman joked with reporters who had assembled to hear the Revealed Word as related by Ronald L. Ziegler. Veneman said he would like to become Lieutenant Governor and that, immediately, he hoped to find a job that would allow him to work parttime and live in San Francisco.

"Who is he?" asked a British reporter after Veneman had left. "He doesn't seem like the others."

* * *

A man who in his own way also has proved unlike the others is Weinberger. He has come a long way since his difficult days battling with businessmen on the Little Hoover Commission during the early period of the Reagan administration. Successively, Weinberger has been an accomplished lawyer, an Assemblyman who authored the state's most important liquor-reform legislation, an attorney again, a television journalist, a columnist, chairman of the state Republican Party, chairman of the Little Hoover Commission, and a high official in both the Reagan and Nixon administrations. He rescued the Reagan administration from its worst appointment with a creditable showing as state Finance Director. He began long-overdue reforms on the Federal Trade Commission that were carried further after he moved on. By all accounts, he improved the performance of the Office of Management and Budget, and he now has been given charge of what is surely the most difficult domestic job in the second Nixon administration. At a time when those who know the President well enough to call him by his first name are being rushed to the sidelines, Weinberger has emerged as one of Nixon's favorites. "I think the country is very fortunate to have a man of his intellectual background and his managerial capacity and his really great heart in this position, and he has our total confidence," the President said before the swearing-in.

* * *

Reporters, complains a bureaucrat in Douglass Cater's underrated political novel, *Dana, the Irrelevant Man*, assign politicians adjectives such as "tricky" or "ruthless" or "wheeler-dealer". "It's a matter of chance which adjective you get," says the bureaucrat, "but

(Continued on page 110)

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The great enemy of the truth is very often not the lie – deliberate, contrived, and dishonest – but the myth - persistent, persuasive, and unrealistic.

John F. Kennedy

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